

Reserve  
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1235  
A21  
v. 14  
no. 16  
Apr 20,



**JIM EDGAR**  
Secretary of State

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# ILLINOIS REGISTER

## Rules of Governmental Agencies

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## INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, pars. 1001 et seq., as amended).

## REGISTER PUBLICATION SCHEDULE 1990

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
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May 8, 1990	May 15, 1990	21	May 25, 1990	Nov. 13, 1990	Nov. 20, 1990	48	Nov. 30, 1990
May 15, 1990	May 22, 1990	22	June 1, 1990	Nov. 20, 1990	Nov. 27, 1990	49	Dec. 7, 1990
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June 19, 1990	June 26, 1990	27	July 6, 1990	Dec. 24, 1990	Dec. 31, 1990	2	Jan. 11, 1991

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).



ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED REPEALER

1) HEADING OF THE PART: Hunting Season for Game Breeding and Hunting Preserve Areas

2) CODE CITATION: 17 IL. Adm. Code 745

3) SECTION NUMBERS: PROPOSED ACTION:

745.10  
745.20  
745.30

Repeal  
Repeal  
Repeal

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.1, 2.2, 3.27, 3.28, 3.29 and 3.30 of the Wildlife Code (IL. Rev. Stat. 1987, ch. 61, pars. 1.3, 1.4, 2.1, 2.2, 3.27, 3.28, 3.29 and 3.30)

5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED: This Part was adopted in 1986 for the purpose of establishing a three year period to evaluate an experimental program to determine the public desire for year-round hunting as evidenced by hunter days and potential quality of off-season hunting based upon evaluation of game birds and the hunter's expressed satisfaction.

When the Part was initially adopted, it was to be automatically repealed at the end of the three year period. The Department has determined that the evaluation period should be extended. Therefore, this Part is being repealed and a new Part containing the requirements for the continuation of the program was published at 14 IL. Reg. 4351, March 23, 1990.

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE? No

9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

11) TIME, PLACE, AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price  
Lincoln Tower Plaza  
524 S. Second Street  
Springfield, Illinois 62701-1787

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED REPEALER

12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule has no impact on small businesses or municipalities.

THE FULL TEXT OF THE PROPOSED REPEALERS BEGINS ON THE NEXT PAGE:



DEPARTMENT OF CONSERVATION  
NOTICE OF PROPOSED REPEALERTITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF CONSERVATION  
SUBCHAPTER b: FISH AND WILDLIFEPART 745  
HUNTING SEASON FOR GAME BREEDING AND HUNTING PRESERVE AREAS

Section 745.10 Purpose  
745.20 Hunting Season  
745.30 Evaluation Requirements

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.1, 2.2, 3.27, 3.28, 3.29 and 3.30 of the Wildlife Code (Ill. Rev. Stat. 1985, ch. 61, pars. 1.3, 1.4, 2.1, 2.2, 3.27, 3.28, 3.29 and 3.30)

SOURCE: Adopted at 10 Ill. Reg. 13645, effective August 4, 1986; repealed at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 745.10 Purpose

a) The Department of Conservation (Department) will evaluate all year hunting of hand reared game birds on certain game breeding and hunting preserve areas. The evaluation shall be based on the following criteria:

- 1) Demand for all year hunting, as measured by the number of hunters who utilize the hunting preserve areas designated in Section 745.20 between April 16 and August 31 combined with the number of hunters whose reservation requests are denied, if any;
- 2) Quality of hunting during April 16 to August 31, as measured by the ability of breeders to provide hand-reared game birds during this period, the field performance of the birds during this period, perceptions of hunters in regard to hunting during this period compared to standard season hunting and quality of the hunting dog field performance;
- 3) Effect of all-year hunting on non-hunted wildlife species, as measured by an on-site survey of non-hunted wildlife conducted by a representative of the Department of Conservation, and;
- 4) Public acceptance of all-year hunting, as measured by public comment received by the Department of Conservation during the pilot program period.

b) This Section will be automatically repealed on August 31, 1989.

DEPARTMENT OF CONSERVATION  
NOTICE OF PROPOSED REPEALER

## Section 745.20 Hunting Season

a) On the following game breeding and hunting preserve areas, game birds may be taken all year:

- 1) Hickory Grove Hunt Club
- 2) McCullom Lake Hunt Club
- 3) Richmond Hunting Club
- 4) Seneca Hunt Club
- 5) Silver Spot Hunting Club

b) This Section will be automatically repealed on August 31, 1989.

## Section 745.30 Evaluation Requirements

a) Any game breeding and hunting preserve area participating in the all year hunting evaluation which refuses to cooperate with the Department's investigation and evaluation procedures will, upon written notification, be eliminated from the all year hunting evaluation. The hunting season on any preserve area eliminated from the all year hunting evaluation will be as specified in Section 3.30 of the Wildlife Code (Ill. Rev. Stat. 1985, ch. 61, par. 3.30).

b) The evaluation period will be from the effective date of this Part until it is automatically repealed on August 31, 1989.



12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: March 16, 1990.
- B) Types of small businesses affected: Proposed repealer will have no impact on small to midsize real estate developers and contractors.
- C) Reporting, bookkeeping or other procedures required for compliance: No new requirements.
- D) Types of professional skills necessary for compliance: No new professional skills needed.

The full text of the Proposed Repealer is identical to the text of the emergency repealer which appears on pages 819 of this issue of the Register.

1) Heading of Part: Low-Income Housing Tax Credit Allocation

2) Code Citation: 47 Ill. Adm. Code 350

Section Numbers:	Proposed Action:
350.101	Repeal
350.102	Repeal
350.103	Repeal
350.104	Repeal
350.201	Repeal
350.202	Repeal
350.203	Repeal
350.204	Repeal
350.205	Repeal
350.206	Repeal
350.207	Repeal
350.208	Repeal
350.209	Repeal

4) Statutory Authority: Section 7.24(g) of the Illinois Housing Development Authority Act (Ill. Rev. Stat. 1987, ch. 67 1/2, par. 307.24(g)).

5) A Complete Description of the Subjects and Issues Involved: This rulemaking repeals the Part for allocating housing tax credit dollars.

6) Will this repealer replace an emergency repealer currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed repealer contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The proposed repealer helps maintain a statewide program to create and retain affordable housing for low-income households.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments, data, views or arguments concerning this rulemaking in writing to: Diane Schultheis, 401 N. Michigan Ave., Suite 900, Chicago, Illinois 60611. The Authority will consider all written comments received at the above address within 45 days of the date of publication of this notice.



## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF PROPOSED RULES

1) Heading of Part: Low-Income Housing Tax Credit Allocation

2) Code Citation: 47 Ill. Adm. Code 350

3) Section Numbers: Proposed Action:

350.101	New Section
350.102	New Section
350.103	New Section
350.104	New Section
350.201	New Section
350.202	New Section
350.203	New Section
350.204	New Section
350.205	New Section
350.206	New Section
350.207	New Section
350.208	New Section
350.209	New Section
350.210	New Section
350.211	New Section
350.212	New Section

4) Statutory Authority: Section 7.24(g) of the Illinois Housing Development Authority Act (Ill. Rev. Stat. 1987, ch. 67 1/2, par. 307.24(g)).

5) A Complete Description of the Subjects and Issues Involved: This rulemaking establishes the procedures for allocating housing tax credit dollars.

6) Will this proposed rule replace an emergency rule currently in effect?  
No

7) Does this rule contain an automatic repeal date? No

8) Does this proposed rule contain incorporations by reference? No

9) Are there any other rules pending on this Part? No

10) Statement of Statewide Policy Objectives: The proposed rules are intended to establish the allocation procedures of housing tax credit dollars.

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF PROPOSED RULES

11) Time, Place and Manner in which interested persons may comment on this proposed amendment: Interested parties may submit comments, data, views or arguments concerning this rulemaking in writing to: Diane Schultheis, 401 N. Michigan Ave., Suite 900, Chicago, Illinois 60611. The Authority will consider all written comments received at the above address within 45 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: March 16, 1990.
- B) Types of small businesses affected: Proposed rules will have a favorable impact on small to midsize real estate developers and contractors.
- C) Reporting, bookkeeping or other procedures required for compliance: No new requirements.
- D) Types of professional skills necessary for compliance: No new professional skills needed.

The full text of the Proposed Rules are identical to the text of the emergency rules which appear on page 5829 of this issue of the Register.



ILLINOIS INDUSTRIAL COMMISSION  
NOTICE OF PROPOSED AMENDMENTS1) Heading of the Part: ARBITRATION2) Code Citation: 50 Ill. Adm. Code 70303) Section Number: Proposed Action:  
7030.100 New Section  
7030.Appendix A New Section4) Statutory Authority: Implemented by Section 19 and authorized by Section 16 of the Illinois Workers' Compensation Act (Ill. Rev. Stat. 1987, ch. 48, pars. 138.19 and 138.16, as amended by P.A. 86-998, effective December 18, 1989).

5) A Complete Description of the Subjects and Issues Involved: The General Assembly amended Section 19 of the Workers' Compensation Act and the Workers' Occupational Diseases Act to provide that in cases in which the only issue in dispute is temporary total disability, permanent partial disability or medical expenses, the parties may voluntarily agree to submit the case for decision by an Arbitrator. Under these amendments the decision of the Arbitrator is conclusive as to the facts and is appealable directly to the circuit court only on questions of law. By agreement the parties select an Arbitrator from a list of 5 Arbitrators chosen by the Chairman from a list of certified Arbitrators approved by at least 7 members of the Workers' Compensation Advisory Board. Section 19 provides that the cases submitted under this provision shall proceed according to rules established by the Commission and that the Commission shall promulgate rules including but not limited to rules to ensure that the parties are adequately informed of their rights under the amendments and of the voluntary nature of the proceedings. The amendments further provide that if the parties cannot agree on an Arbitrator from the Chairman's list, they may, by agreement, select an Arbitrator from the American Arbitration Association whose fees shall be paid by the State in accordance with rules promulgated by the Commission.

Section 7030.100 provides procedures by which parties may proceed under voluntary arbitration as established by the statutory amendments. The proposed rule includes procedures regarding the selection of Arbitrators by the Workers' Compensation Advisory Board and the Chairman and procedures by which the parties may submit their case to voluntary arbitration. Section

ILLINOIS INDUSTRIAL COMMISSION  
NOTICE OF PROPOSED AMENDMENTS

7030.Appendix A consists of a form entitled "Request for Assignment of Case to Voluntary Arbitration Under Section 19(p) or 19(m)." This is the form which must be used by the parties requesting voluntary arbitration.

6) Will this proposed rule replace an emergency rule currently in effect? Yes.7) Does this rulemaking contain an automatic repeal date? No.8) Does this proposed amendment contain incorporations by reference? No.9) Are there any proposed amendments pending on this Part? No.10) Statement of Statewide Policy Objectives: N/A

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons who desire to comment on this proposed rulemaking may submit their comments in writing no later than 30 days after the publication of this Notice to:

Kathryn A. Kelley  
Counsel  
Illinois Industrial Commission  
100 West Randolph Street  
Suite 8-272  
Chicago, Illinois 60601  
1-312/814-6559

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:  
April 6, 1990.

B) Types of small businesses affected: None.

C) Reporting, bookkeeping or other procedures required for compliance: None.

D) Types of professional skills necessary for compliance: None.

The full text of the Proposed Amendment begins on the next page:



## ILLINOIS INDUSTRIAL COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE  
CHAPTER II: INDUSTRIAL COMMISSIONPART 7030  
ARBITRATION

Section  
7030.10 Arbitration Assignments  
7030.20 Setting a Case for Trial  
7030.30 Disqualification of Commissioners and Arbitrators  
7030.40 Request for Hearing  
7030.50 Subpoena Practice  
7030.60 Dispositions  
7030.70 Rules of Evidence  
7030.80 Arbitrators' Decisions  
7030.90 Opening and/or Closing Statements  
7030.100 Voluntary Arbitration under Section 19(p) of the Illinois Workers' Compensation Act and Section 19(m) of the Illinois Workers' Occupational Diseases Act

7030.Appendix A Request for Assignment of Case to  
Voluntary Arbitration Under Section  
19(p) or 19(m)

AUTHORITY: Implementing Section 19 and authorized by Section 16 of the Workers' Compensation Act (Ill. Rev. Stat. 1987, ch. 48, pars. 138.19 and 138.16, as amended by P.A. 86-998, effective December 18, 1989).

SOURCE: Filed and effective March 1, 1977; amended at 4 Ill. Reg. 26, p. 159, effective July 1, 1980; emergency rule at 5 Ill. Reg. 8547, effective August 3, 1981 for a maximum of 150 days; amended at 6 Ill. Reg. 3570, effective March 22, 1982; emergency rule at 6 Ill. Reg. 5820, effective May 1, 1982 for a maximum of 150 days; amended at 6 Ill. Reg. 8040, effective July 7, 1982; amended at 6 Ill. Reg. 11909, effective September 20, 1982; codified at 7 Ill. Reg. 2514; amended at 9 Ill. Reg. 19722, effective December 6, 1985; emergency amendment at 14 Ill. Reg. 4913, effective March 9, 1990, for a maximum of 150 days; amended at 14 Ill., Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 7030.100 Voluntary Arbitration under Section 19(p) of the Illinois Workers' Compensation Act and Section 19(m) of the Illinois Workers' Occupational Diseases Act

- a) Selection of Arbitrators to Hear Cases Under Voluntary Arbitration

## ILLINOIS INDUSTRIAL COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 1) The Workers' Compensation Advisory Board shall compile a list of not less than seven (7) certified Arbitrators each of whom shall be approved by at least seven (7) of the nine (9) members of the Advisory Board to conduct hearings. The Advisory Board shall submit such list to the Chairman.
- 2) Within thirty (30) days of submission of the list by the Workers' Compensation Advisory Board, the Chairman shall select five (5) Arbitrators from the list to conduct hearings. The Chairman shall publish his selections within fifteen (15) days.
- 3) If a vacancy occurs among the Arbitrators selected by the Chairman to conduct hearings, the Chairman shall select an Arbitrator from the list chosen by the Workers' Compensation Advisory Board to fill that vacancy. At any time the list falls below seven (7) names, the Chairman shall request that the Advisory Board provide him with a list of additional certified Arbitrators from which to make his selections.
- b) Request for Voluntary Arbitration
- 1) After filing an application for adjustment of claim but prior to the hearing on arbitration, the parties may voluntarily agree to submit the application for decision by an arbitrator from a list of five (5) arbitrators selected by the Chairman to hear cases under this Section. If the parties cannot agree on an arbitrator from the list of five (5) arbitrators, they may, by agreement, select an arbitrator from the American Arbitration Association.
- 2) Only applications for adjustment of claim which involve a dispute over temporary total disability, permanent partial disability or medical expenses may be submitted for decision by an arbitrator under this Section.
- 3) The agreement of the parties to submit the case to voluntary arbitration shall be in writing and shall be filed with the Commission. The written agreement shall be on a form provided by the Commission as illustrated in Appendix A.



## ILLINOIS INDUSTRIAL COMMISSION

## ILLINOIS INDUSTRIAL COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

- 4) When an agreement to submit a case for decision by an arbitrator under this Section has been filed with the Commission, the application shall be assigned to the call of the arbitrator chosen by the parties to conduct the hearing. In cases in which the parties agree to select an arbitrator of the American Arbitration Association, the Commission shall notify the parties of the time and place of the hearing.

Section 7030.Appendix A Request for Assignment of Case to Voluntary Arbitration Under Section 19(p) or 19(m)

EMERGENCY

STATE OF ILLINOIS )  
COUNTY OF COOK ) SS

BEFORE THE ILLINOIS INDUSTRIAL COMMISSION

## c) Conduct of Hearings

- 1) The arbitrator conducting the hearing shall advise the parties on the record at the beginning of the hearing of their rights under Section 19(p) of the Illinois Workers' Compensation Act or 19(m) of the Illinois Workers' Occupational Diseases Act and of the voluntary nature of the proceedings.
- 2) The Rules Governing Practice Before the Industrial Commission shall apply to hearings in cases submitted for decision by an arbitrator under Section 19(p) of the Illinois Workers' Compensation Act or 19(m) of the Illinois Workers' Occupational Diseases Act, except when inconsistent with this Section or Section 19(p) of the Illinois Workers' Compensation Act or Section 19(m) of the Illinois Workers' Occupational Diseases Act.

- d) The Commission shall pay reasonable costs for services of an arbitrator of the American Arbitration Association.

(SOURCE: Added at 14 Ill. Reg. \_\_\_\_\_,  
effective \_\_\_\_\_.)

Petitioner )  
-vs- ) I. C. #  
Respondent ) Vol. Arb. No.

REQUEST FOR ASSIGNMENT OF CASE TO  
VOLUNTARY ARBITRATION UNDER SECTION 19(p) or 19(m)

The Petitioner, \_\_\_\_\_ and the Respondent, \_\_\_\_\_, hereby jointly and voluntarily request that their claim be assigned to voluntary arbitration under Section 19(p) or 19(m).

1. It is stipulated and agreed that only the issue(s) of: (check one or more)

- \_\_\_\_\_ a) Temporary Total Disability;  
\_\_\_\_\_ b) Permanent Partial Disability;  
\_\_\_\_\_ c) Medical expenses;

remains in dispute between the parties and that all other matters have been agreed to by Stipulation of the parties.

The parties understand that by submitting to Voluntary Arbitration they each are giving up certain rights.

## 2.

- a) The parties acknowledge that they have been provided a list of Arbitrators from which they choose Arbitrator \_\_\_\_\_ as the Arbitrator to hear this matter.
- b) The parties acknowledge that they have chosen to submit this case to the American Arbitration Association.



ILLINOIS INDUSTRIAL COMMISSION  
NOTICE OF PROPOSED AMENDMENTS

Petitioner \_\_\_\_\_  
Dated: 19\_\_\_\_ Dated: 19\_\_\_\_  
Attorney for Petitioner \_\_\_\_\_  
Respondent \_\_\_\_\_  
Dated: 19\_\_\_\_ Dated: 19\_\_\_\_  
Attorney for Respondent \_\_\_\_\_

## CAUTION TO PARTIES NOT REPRESENTED BY AN ATTORNEY

Voluntary Arbitration under Section 19(p) or 19(m) requires an understanding of the Workers' Compensation Act or Workers' Occupational Diseases Act as well as the laws of evidence and trial procedure. You are entitled to be represented by an attorney if you so desire. The Arbitrator's decision under this procedure is conclusive on all findings of fact and your rights of appeal to the Courts are strictly limited to questions of law.

## ARBITRATOR'S CERTIFICATION

The undersigned Arbitrator hereby states that the parties not represented by an attorney were advised of the above captioned prior to the commencement of evidence and elected to proceed without counsel. Such election confirmed by their signature below.

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Respondent

\_\_\_\_\_  
Arbitrator

(SOURCE: Added at 14 Ill. Reg. \_\_\_\_\_,  
effective \_\_\_\_\_.)

ILLINOIS INDUSTRIAL COMMISSION  
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: INSURANCE REGULATIONS  
2) Code Citation: 50 Ill. Adm. Code 7100  
3) Section Number: Proposed Action:  
7100.100 New Section  
4) Statutory Authority: Implementing Ill. Rev. Stat. 1987, ch. 48, pars. 138.4(a), 138.4(b) and 138.4(d), as amended by P.A. 86-998, effective December 18, 1989 and Ill. Rev. Stat. 1987, ch. 48, pars. 172.39(a), 172.39(b) and 172.39(d) as amended by P.A. 86-998, effective December 18, 1989 and authorized by Ill. Rev. Stat. 1987, ch. 48, par. 138.16 and Ill. Rev. Stat. 1987, ch. 48, par. 172.51.  
5) A Complete Description of the Subjects and Issues Involved:  
The General Assembly amended Section 4(d) of the Workers' Compensation Act and the Workers' Occupational Diseases Act to provide that upon a finding by the Commission, after reasonable notice and hearing, of the knowing and wilful failure of an employer to insure payment of its compensation liability, the Commission may assess a penalty of up to \$500 for each day of knowing and wilful failure or refusal after the effective date of the Amendatory Act. The amendments are effective December 18, 1989.

New Section 7100.100 has been established to provide reasonable notice and hearing before the Commission. This section provides for Notice of Non-Compliance to an employer, response by the employer and an informal conference procedure at which a representative of the Commission may meet with the employer in an attempt to resolve the matter without the necessity of a formal hearing. The rule establishes procedures for notice and hearing, assignment of a Commissioner, hearing location and the conduct of hearings before the Commission. This section establishes a format for the decision to be issued by the Commission and sets forth procedures for payment of penalties by an employer.

- 6) Will this proposed rule replace an emergency rule currently in effect? Yes.  
7) Does this rulemaking contain an automatic repeal date? No.  
8) Does this proposed amendment contain incorporations by reference? No.



ILLINOIS INDUSTRIAL COMMISSION  
NOTICE OF PROPOSED AMENDMENTS

9) Are there any proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: N/A

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons who desire to comment on this proposed rulemaking may submit their comments no later than 30 days after the publication of this Notice to:

Kathryn A. Kelley  
Counsel  
Illinois Industrial Commission  
100 West Randolph Street  
Suite 8-272  
Chicago, Illinois 60601  
1-312/814-6559

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: April 6, 1990.
- B) Types of small businesses affected: Any employer, including small businesses, which comes under the operation of the Workers' Compensation Act and Workers' Occupational Diseases Act and which knowingly and wilfully fails to comply with the coverage provisions of the Acts may be subject to the penalty provisions of the Acts and the procedures provided in this Proposed Rule.
- C) Reporting, bookkeeping or other procedures required for compliance: None.
- D) Types of professional skills necessary for compliance: None.

The full text of the Proposed Amendment begins on the next page:

ILLINOIS INDUSTRIAL COMMISSION  
NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE  
CHAPTER II: INDUSTRIAL COMMISSION

PART 7100  
INSURANCE REGULATIONS

Section  
7100.10  
7100.20  
7100.30  
7100.40  
7100.50  
7100.70  
7100.80  
7100.85  
  
7100.90  
7100.95  
7100.100

Insurance Forms  
Employer Coverage: Policy (Repealed)  
Policy Information Page  
Issuance of Binder Certificate (Repealed)  
Termination of Insurance  
Requirement for Approval as a Self-Insurer  
Self-Insurers to File Statement and Reports  
Administration of Claims Against Securities,  
Indemnity or Bonds of Self-Insurers  
Administration of Claims Against Group  
Self-Insurer's Insolvency Fund  
Employers Liability Fund  
Insurance Coverage: Compliance

AUTHORITY: Implementing Sections 4(a), (b) and (d) of the Illinois Workers' Compensation Act (Ill. Rev. Stat. 1987, ch. 48, pars. 138.4(a), 138.4(b), 138.4(d)) as amended by P.A. 86-998, effective December 18, 1989) and Sections 4(a), (b) and (d) of the Illinois Occupational Diseases Act (Ill. Rev. Stat. 1987, ch. 48, pars. 172.39(a), 172.39(b) and 172.39(d) as amended by P.A. 86-998, effective December 18, 1989) and authorized by Section 16 of the Illinois Workers' Compensation Act (Ill. Rev. Stat. 1987, ch. 48, par. 138.16) and Illinois Occupational Diseases Act (Ill. Rev. Stat. 1987, ch. 48, par. 172.51).

SOURCE: Filed and effective March 1, 1977; amended at 5 Ill. Reg. 8910, effective August 24, 1981; codified at 7 Ill. Reg. 2345; emergency amendment at 8 Ill. reg. 15976, effective August 16, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 3705, effective March 12, 1985, emergency amendment at 10 Ill. Reg. 6003, effective April 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 15615, effective September 10, 1986; emergency amendment at 14 Ill. Reg. 4920, effective March 9, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

NOTE: Capitalization denotes statutory language.

Section 7100.100 Insurance Coverage: Compliance



## ILLINOIS INDUSTRIAL COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

## a) Employers to Insure Payment of Compensation

Any employer who shall come within the provisions of paragraph 3 of the Illinois Workers' Compensation Act (Ill. Rev. Stat. 1987, Ch. 48, par. 138.3) or any employer who shall elect to provide and pay the compensation provided for in the Illinois Workers' Compensation Act and the Illinois Workers' Occupational Diseases Act shall insure payment of such compensation pursuant to Section 4(a) of the Acts by obtaining approval by the Industrial Commission to operate as a self-insurer or by insuring its entire liability to pay such compensation in some insurance carrier authorized, licensed, or permitted to do such insurance business in Illinois.

## b) Failure to Insure Payment of Compensation Liability - Penalty

1) THE COMMISSION MAY ASSESS A CIVIL PENALTY OF UP TO FIVE HUNDRED DOLLARS (\$500.00) PER DAY FOR EACH DAY OF THE KNOWING AND WILFUL FAILURE OR REFUSAL AFTER DECEMBER 18, 1989 OF:

- A) AN EMPLOYER TO COMPLY WITH ANY OF THE PROVISIONS OF SECTION 4(a) OF THE ACT; OR
- B) AN EMPLOYER, SERVICE OR ADJUSTMENT COMPANY OR AN INSURANCE CARRIER TO COMPLY WITH ANY ORDER OF THE INDUSTRIAL COMMISSION PURSUANT TO SECTION 4(c) OF THE ACTS DISQUALIFYING IT TO OPERATE AS A SELF-INSURER AND REQUIRING IT TO INSURE ITS LIABILITY WITH AN INSURANCE CARRIER. (Ill. Rev. Stat. 1987, ch. 48, pars. 138.4(d) and 172.39(d) as amended by P.A. 86-998, effective December 18, 1989.)

2) Penalties by the Commission may be assessed after reasonable notice and hearing in accordance with Subsection (d).

## c) Notice of Non-Compliance

- 1) The Industrial Commission shall give Notice of Non-Compliance to the employer. Service of the Notice of Non-Compliance upon the employer shall be by United States registered

## ILLINOIS INDUSTRIAL COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

or certified mail addressed to the employer at the last known address or to the representative thereof.

2) The Notice of Non-Compliance shall be a written statement setting forth, but not limited to, the following information:

- A) the name and address of the employer;
  - B) a statement of the section of the statute alleged to be violated, the periods of non-compliance and the penalty which may be imposed;
  - C) a statement that the employer must submit evidence of compliance or otherwise respond within thirty (30) days of the date of receipt of the notice. Examples of evidence of compliance are:
    - i) a copy of the policy information page as required to be filed under Section 7100.30 which indicates coverage for the periods of alleged non-compliance;
    - ii) a self-insurance certificate of approval covering the periods of alleged non-compliance.
  - D) a statement that failure to respond to the Notice of Non-Compliance within the prescribed time period shall cause the Commission to set this matter for hearing in accordance with Subsection (d).
- 3) Informal Conference
- A) Where a Notice of Non-Compliance has been sent, the Commission may, at the request of the employer or on its own initiative, schedule the matter for an informal conference at which a designated representative of the Commission shall meet with the employer in an attempt to resolve the matter.
  - B) A request by the employer for an informal conference must be received by the



## ILLINOIS INDUSTRIAL COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- Commission within fifteen (15) days of the receipt of the Notice of Non-Compliance.
- C) The Commission shall send written notice to the employer at least seven (7) days prior to the scheduled conference.
- D) If the matter cannot be resolved at the conference, the Commission shall set the matter for hearing in accordance with Subsection (d).
- d) Hearings
- 1) Notice of Hearing; Locations
- A) A matter under this Section is commenced by the Industrial Commission by service of a Notice of Hearing upon the employer at least thirty (30) days prior to the time fixed for hearing. Service of the Notice shall be by United States registered or certified mail addressed to the employer at the last known address or to the representative thereof.
- B) The Notice of Hearing shall be a written statement setting forth, but not limited to the following information:
- i) the name and address of the employer;
  - ii) the time, date and place of hearing;
  - iii) the name of the Commissioner;
  - iv) a statement of the section of the statute alleged to be violated, periods of non-compliance and the penalty which may be imposed; and
  - v) a statement that failure to appear at the hearing where no continuance has been obtained prior to the hearing shall constitute a default and will result in a finding that there has been a knowing and wilful failure of

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- the employer to insure his liability to pay compensation in accordance with Section 4(a) of the Act or to comply with an order of the Commission under Section 4(c) and an assessment of penalties under Section 4(d) of the Act.
- C) The hearing shall be set at a site designated by the assigned Commissioner.
- 2) Assignment
- A) In all cases where the employer is principally located in Cook County, a matter to be scheduled for hearing under this Section shall be randomly assigned to a Commissioner.
- B) In all other cases, a matter to be scheduled for hearing under this Section shall be assigned to the Commissioner who serves that territory within which the employer is principally located.
- 3) Conduct of Hearings
- A) At the hearing the employer or his attorney shall be given the opportunity to show that there has been compliance with Section 4(a) or an order of the Commission under Section 4(c) or show cause why compliance has not been accomplished. The employer or his attorney shall have the opportunity to introduce evidence, to call and examine witnesses, and to cross-examine witnesses.
- B) THE COMMISSION OR ANY MEMBER THEREOF SHALL HAVE THE POWER TO ADMINISTER OATHS, TO SUBPOENA AND EXAMINE WITNESSES, AND TO ISSUE SUBPOENA DUCES TECUM REQUIRING THE PRODUCTION OF SUCH BOOKS, PAPERS, RECORDS OR DOCUMENTS AS MAY BE EVIDENCE TO DETERMINE THE ISSUE OF non-compliance. (Ill. Rev. Stat. 1987, ch. 48, par. 138.16.)
- C) The Illinois common law rules of evidence and the Illinois Evidence Act, Ill. Rev. Stat., Ch. 51, par. 1, et seq., shall apply



## ILLINOIS INDUSTRIAL COMMISSION

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except to the extent they conflict with the Illinois Workers' Compensation Act, the Illinois Occupational Diseases Act, or the Rules Governing Practice Before the Industrial Commission.

## e) Decision

The Commission, after the hearing is concluded, shall issue a decision which shall include:

- 1) the findings of the Commission;
- 2) where applicable, the dates of failure to insure and the amount of penalty assessed for each day;
- 3) the payment procedures as provided in Subsection (f); and
- 4) a statement of the conditions for a judicial review of the Commission's decision in accordance with the requirements of 50 Ill. Adm. Code 7060.

## f) Payment Procedures

Where the Commission assesses a penalty against an employer in accordance with Section 4(d) of the Illinois Workers' Compensation Act or Illinois Workers' Occupational Diseases Act, payment shall be made according to the following procedure:

- 1) payment of the penalty shall be made by certified check or money order made payable to the State of Illinois;
- 2) payment shall be mailed or presented within thirty (30) days of the final order of the Commission or the order of the court on review after final adjudication to:

Illinois Industrial Commission  
Fiscal Office  
100 West Randolph Street  
Suite 8-328  
Chicago, Illinois 60601  
1-312/814-6625

## ILLINOIS INDUSTRIAL COMMISSION

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(SOURCE: Added at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_).



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- 1) Heading of the Part: MISCELLANEOUS
- 2) Code Citation: 50 Ill. Adm. Code 7110
- 3) Section Number: Proposed Action:  
7110.80 New Section
- 4) Statutory Authority: Implementing and authorized by the Workers' Compensation Act (Ill. Rev. Stat. 1987, ch. 48, pars. 138.1 et seq., as amended by P.A. 86-998, effective December 18, 1989).

5) The Reason for the Emergency: Section 7(f) of the Workers' Compensation Act has been amended to provide that if the Commission finds, after reasonable notice and hearing, that an employer has willfully and knowingly failed to pay the proper amounts into the Rate Adjustment Fund or the Second Injury Fund as required by Section 7(f) of the Act, the Commission may assess against the employer a penalty of 20% of the amount due or \$2,500.00, whichever is greater, for each year or part thereof of such failure to pay. All or part of the penalty may be waived for good reason shown. The amendment further provides that any obligations of an employer accruing prior to December 18, 1989 shall be paid in full by the employer within 5 years of December 18, 1989, with at least one-fifth of the obligation to be paid during each year following December 18, 1989. Upon a finding by the Commission, after reasonable notice and hearing, that an employer has failed to make timely payments of these obligations, the Commission may assess a penalty against the employer equal to 20% of the overdue obligation or \$2,500.00, whichever is greater, for each year or part thereof that the obligation is overdue. All or part of the penalty may be waived by the Commission for good cause shown. The amendment is effective December 18, 1989.

New Section 7110.80 has been established to provide procedures to implement the amendment to Section 7(f) of the Workers' Compensation Act. The rule provides that for purposes of verifying the amounts paid into the Rate Adjustment Fund and Second Injury Fund, the Chairman shall by May 1 of each year furnish information regarding payment into the Funds to the Director of the Department of Insurance. The Director shall verify to the Chairman that the amounts paid are accurate as best he can determine by September 1 of each year. Under the rule, a procedure is established by which the Chairman may require self-insured employers to provide additional information relating to their contributions to the Funds.

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The rule establishes a procedure by which employers and insurance carriers are notified of a deficiency and by which they must respond to the Notice. The rule provides for an informal conference procedure by which an employer or an insurance carrier may meet with a representative of the Industrial Commission in an attempt to resolve the matter prior to a formal hearing. Procedures regarding notice and formal hearing before the Commission are established. The rule includes a format for the decision by the Commission and procedures for the payment of penalties.

- 6) Will this proposed rule replace an emergency rule currently in effect? Yes.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain incorporations by reference? No.
- 9) Are there any proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: N/A
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons who desire to comment on this proposed rulemaking may submit their comments in writing no later than 30 days after the publication of this Notice to:  
  
Kathryn A. Kelley  
Counsel  
Illinois Industrial Commission  
100 West Randolph Street  
Suite 8-272  
Chicago, Illinois 60601  
1-312/814-6559
- 12) Initial Regulatory Flexibility Analysis:
  - A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: April 6, 1990.
  - B) Types of small businesses affected: Any small business that is self-insured and knowingly and willfully fails to pay into



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the Rate Adjustment and Second Injury Funds may be subject to the penalty provisions in the Act and the procedures provided in this Proposed Rule.

- C) Reporting, bookkeeping or other procedures required for compliance: None.
- D) Types of professional skills necessary for compliance: None.

The full text of the Proposed Amendment begins on the next page:

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## NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE  
CHAPTER II: INDUSTRIAL COMMISSION

PART 7110  
MISCELLANEOUS

Section 7110.10	Vocational Rehabilitation
7110.20	Petitions under Sections 19(h), 8(a), and 7(a) of the Act
7110.30	Commission Meetings: Minutes
7110.40	Petition to Suspend Compensation for Failure to Submit to Proper Medical Treatment
7110.50	Petitions under Section 19(o)
7110.60	Distribution of Industrial Commission Handbook
7110.70	Explanation or Denial of Liability or Further Responsibility for Medical Care
7110.80	Rate Adjustment Fund and Second Injury Fund Contributions: Compliance

**AUTHORITY:** Implementing and authorized by the Workers' Compensation Act (Ill. Rev. Stat. 1987, ch. 48, pars. 138.1 et seq., as amended by P.A. 86-998, effective December 18, 1989).

**SOURCE:** Filed and effective March 1, 1977; amended at 5 Ill. Reg. 5533, effective May 12, 1981; amended at 6 Ill. Reg. 8040, effective July 1, 1982; codified at 7 Ill. Reg. 2352; emergency amendment at 14 Ill. Reg. 4929, effective March 9, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**NOTE:** Capitalization denotes statutory language.

Section 7110.80 Rate Adjustment Fund and Second Injury Fund Contributions: Compliance

- a) Employers Required to Make Payments to Rate Adjustment Fund and Second Injury Fund

Any employer who shall come within the provisions of Section 3 of the Illinois Workers' Compensation Act (Ill. Rev. Stat. 1987, Ch. 48, par. 138.3) or any employer who shall elect to provide and pay the compensation provided for in the Illinois Workers' Compensation Act and the Illinois Workers' Occupational Diseases Act shall pay into the Rate Adjustment Fund and the Second Injury Fund in



## ILLINOIS INDUSTRIAL COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

accordance with the provisions of Section 7(f) of the Illinois Workers' Compensation Act.

## b) Penalties

1) IF THE COMMISSION FINDS AFTER REASONABLE NOTICE AND HEARING in accordance with subsection (e), THAT AN EMPLOYER OR INSURANCE CARRIER ON BEHALF OF THE EMPLOYER HAS WILLFULLY AND KNOWINGLY FAILED TO PAY ANY OBLIGATIONS ACCRUING AFTER DECEMBER 18, 1989 INTO THE RATE ADJUSTMENT FUND OR THE SECOND INJURY FUND AS REQUIRED BY SECTION 7(f) OF THE ACT OR IF SUCH PAYMENTS ARE NOT MADE WITHIN THE TIME PERIODS PRESCRIBED BY SECTION 7(f) OF THE ACT, THE EMPLOYER SHALL, IN ADDITION TO SUCH PAYMENTS, PAY A PENALTY OF 20% OF THE AMOUNT REQUIRED TO BE PAID OR TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00), WHICHEVER IS GREATER, FOR EACH YEAR OR PART THEREOF OF SUCH FAILURE TO PAY. (Ill. Rev. Stat. 1987, ch. 48, par. 138.7(f), as amended by P.A. 86-998, effective December 18, 1989.)

## 2) Obligations accruing prior to December 18, 1989:

A) ANY OBLIGATIONS OF AN EMPLOYER OR INSURANCE CARRIER TO THE RATE ADJUSTMENT FUND OR THE SECOND INJURY FUND ACCRUING PRIOR TO DECEMBER 18, 1989 SHALL BE PAID IN FULL BY SUCH EMPLOYER WITHIN 5 YEARS OF DECEMBER 18, 1989, WITH AT LEAST ONE-FIFTH OF SUCH OBLIGATION TO BE PAID DURING EACH YEAR FOLLOWING DECEMBER 18, 1989.

i) Such obligations shall be paid pursuant to an agreement signed by the employer or by the insurance carrier on behalf of the insured employer.

ii) The agreement shall include the amount of the obligation and the date each payment is due.

B) IF THE COMMISSION FINDS AFTER REASONABLE NOTICE AND HEARING in accordance with Subsection (e), THAT AN EMPLOYER OR INSURANCE CARRIER HAS FAILED TO MAKE TIMELY PAYMENTS OF ANY OBLIGATION ACCRUING in Subsection 2(A) above, THE EMPLOYER SHALL,

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IN ADDITION TO ALL OTHER PAYMENTS REQUIRED, BE LIABLE FOR A PENALTY EQUAL TO 20% OF THE OVERDUE OBLIGATION OR TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00), WHICHEVER IS GREATER, FOR EACH YEAR OR PART THEREOF, THAT THE OBLIGATION IS OVERDUE.

3) ALL OR PART OF ANY PENALTY ASSESSED BY THE COMMISSION MAY BE WAIVED FOR GOOD CAUSE SHOWN by a Commission panel.

c) Verification of amounts paid by employers into the Rate Adjustment Fund and Second Injury Fund.

1) THE CHAIRMAN SHALL BY MAY 1 OF EACH YEAR FURNISH TO THE DIRECTOR OF THE ILLINOIS DEPARTMENT OF INSURANCE A LIST OF THE AMOUNTS PAID INTO THE SECOND INJURY FUND AND THE RATE ADJUSTMENT FUND BY EACH INSURANCE COMPANY ON BEHALF OF THEIR INSURED EMPLOYERS. THE DIRECTOR SHALL VERIFY TO THE CHAIRMAN ON OR BEFORE SEPTEMBER 1 OF EACH YEAR THAT THE AMOUNTS PAID BY EACH INSURANCE COMPANY ARE ACCURATE AS BEST THE DIRECTOR CAN DETERMINE FROM THE RECORDS AVAILABLE TO THE DIRECTOR.

2) THE CHAIRMAN SHALL VERIFY THAT THE AMOUNTS PAID BY EACH SELF-INSURER ARE ACCURATE AS BEST AS THE CHAIRMAN CAN DETERMINE FROM RECORDS AVAILABLE TO THE CHAIRMAN. The Chairman may, upon written notice, require that each self-insurer provide the following:

A) INFORMATION on forms provided by the Commission CONCERNING THE TOTAL COMPENSATION PAYMENTS MADE UPON WHICH CONTRIBUTIONS TO THE RATE ADJUSTMENT FUND AND SECOND INJURY FUND ARE PREDICATED, AND

B) ANY ADDITIONAL INFORMATION ESTABLISHING THAT PAYMENTS HAVE BEEN MADE INTO THE RATE ADJUSTMENT FUND AND THE SECOND INJURY FUND.

3) Any information requested under Subsection (c)(2) above shall be provided to the Commission by the self-insurer within thirty (30) days of the date of the notice.

d) Notice of Deficiency - Informal Conference



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## NOTICE OF PROPOSED AMENDMENTS

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## 1) Notice of Deficiency

- A) Where the records of the Industrial Commission or the Department of Insurance show that a deficiency exists regarding payment into the Rate Adjustment Fund or the Second Injury Fund, the Industrial Commission shall give notice of the deficiency to the insurance carrier, or the self-insured employer. Service of the Notice of Deficiency shall be by United States registered or certified mail addressed to the insurance company or the self-insured employer at the last known address or to a representative thereof and to the State Treasurer as ex-officio Custodian of the Rate Adjustment Fund and the Second Injury Fund.

- B) The Notice of Deficiency shall be a written statement setting forth, but not limited to, the following information:

- i) the name and address of the insurance carrier or the self-insured employer or representative thereof;
- ii) a statement of the statute alleged to be violated, the dates of non-payment or underpayment, the amount of deficiency and the penalty which may be imposed;
- iii) a statement that the self-insured employer or insurance carrier must cure the deficiency or otherwise respond within thirty (30) days of the receipt of the Notice;
- iv) a statement that the failure to respond to a Notice of Deficiency within the prescribed time period shall cause the Commission to set the matter for hearing in accordance with Subsection (e).

## 2) Informal Conference

- A) Where a Notice of Deficiency has been sent

the Commission may at the request of the self-insured employer or insurance carrier, or on its own initiative, schedule the matter for an informal conference at which a designated representative of the Commission shall meet with the self-insured employer or the insurance carrier in an attempt to resolve the matter.

- B) A request by the self-insured employer or the insurance carrier for an informal conference shall be included in the response to the Notice of Deficiency.
- C) The Commission shall send written notice of the time and place of the conference to the self-insured employer or the insurance carrier and State Treasurer as ex-officio Custodian of the Rate Adjustment Fund and the Second Injury Fund at least fifteen (15) days prior to the scheduled conference.
- D) The conference shall be held at a site designated by the Commission.
- E) If the matter cannot be resolved at the conference, the Commission shall set the matter for hearing in accordance with Subsection (e).

## e) Hearings

## 1) Notice of Hearing; Locations

- A) Any matter under this Section is commenced by the Industrial Commission by service of a Notice of Hearing upon the insurance carrier or self-insured employer and the State Treasurer as ex-officio Custodian of the Rate Adjustment Fund and the Second Injury Fund. Notice of Hearing shall be given at least thirty (30) days prior to the time fixed for hearing. Service of the Notice of Hearing shall be by United States registered or certified mail addressed to the insurance carrier or the self-insured employer at the last known address or to a representative thereof and to the



## ILLINOIS INDUSTRIAL COMMISSION

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State Treasurer as ex-officio Custodian of the Rate Adjustment Fund and the Second Injury Fund.

- B) The Notice of Hearing shall be a written statement setting forth, but not limited to, the following information:
- i) the name and address of the insurance carrier or self-insured employer;
  - ii) the time, date and place of hearing;
  - iii) the name of the hearing Commissioner;
  - iv) a statement of the statute alleged to be violated and the penalty which may be imposed;
  - v) a statement of the amount of the deficiency and the dates of non-payment or underpayment;
  - vi) a statement that failure to appear at the hearing where no continuance has been obtained from the Commissioner prior to the hearing shall constitute a default and will result in a finding that there has been a wilful and knowing failure to comply with Section 7(f) and an assessment of penalties.
- C) The hearing shall be set at a site designated by the assigned Commissioner.

## 2) Assignment

- A) In cases where the employer is principally located in Cook County, a matter for hearing under this Section shall be randomly assigned to a Commissioner.
- B) In all other cases, a matter to be scheduled for hearing under this Section shall be assigned to a Commissioner who serves that territory within which the employer is principally located.

## ILLINOIS INDUSTRIAL COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

## 3) Conduct of Hearings

- A) The records of the Industrial Commission and the Department of Insurance regarding deficiency in payment shall be considered prima facie evidence of failure to comply with Section 7(f) of the Act.
- B) At the hearing the insurance carrier or self-insured employer shall be given the opportunity to rebut the evidence of deficiency.
- C) Any party, including the State Treasurer as ex-officio Custodian of the Rate Adjustment Fund and the Second Injury Fund, shall have the right to introduce evidence, to call and examine witnesses and to cross-examine witnesses.
- D) THE COMMISSION, OR ANY MEMBER THEREOF, SHALL HAVE THE POWER TO ADMINISTER OATHS, TO SUBPOENA AND EXAMINE WITNESSES AND TO ISSUE SUBPOENA DUCES TECUM REQUIRING THE PRODUCTION OF SUCH BOOKS, PAPERS, RECORDS OR DOCUMENTS AS MAY BE EVIDENCE TO DETERMINE THE ISSUE OF non-compliance. (Ill. Rev. Stat. 1987, ch. 48, par. 138.16.)
- E) The Illinois common law rules of evidence and the Illinois Evidence Act, Ill. Rev. Stat. Ch. 51, par. 1, et seq., shall apply at the hearing except to the extent they conflict with the Illinois Workers' Compensation Act, the Illinois Workers' Occupational Diseases Act and the Rules Governing Practice Before the Industrial Commission.
- f) Decision
- The Commission, after the hearing is concluded, shall issue a decision which shall include:
- 1) the findings of the Commission;
  - 2) where applicable, the amount of the penalty assessed and the basis for the amount;



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- 3) the payment procedures as provided in Subsection (g);
- 4) a statement of the conditions for a judicial review of the Commission decision in accordance with the requirement of 50 Ill. Adm. Code 7060.

## g) Payment Procedure

Where the Commission assesses a penalty against an employer in accordance with Section 7(f) of the Illinois Workers' Compensation Act payment shall be made according to the following procedure:

- 1) payment of the penalty shall be made by certified check or money order made payable to the State of Illinois.
- 2) payment shall be mailed or presented within thirty (30) days of the final order of the Commission or the order of the court on review after final adjudication to:

Illinois Industrial Commission  
Fiscal Office  
100 West Randolph Street  
Suite 8-328  
Chicago, Illinois 60601  
1-312/814-6625

(SOURCE: Added at 14 Ill. Reg. \_\_\_\_\_,  
effective \_\_\_\_\_).

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- 1) Heading of the Part: Review
- 2) Code Citation: 50 Ill. Adm. Code 7040
- 3) Section Numbers: Proposed Action:

7040.10 Amendment  
7040.40 Amendment  
7040.70 Amendment

- 4) Statutory Authority: Implementing Section 19 and authorized by Section 16 of the Workers' Compensation Act (Ill. Rev. Stat. 1987, ch. 48, pars. 138.19 and 138.16, as amended by P.A. 86-998, effective December 18, 1989.)

- 5) A complete description of the subjects and issues involved:

The General Assembly amended the Workers' Compensation Act and the Workers' Occupational Diseases Act. The amendments are effective December 18, 1989.

Section 19(b) of the Acts was amended to provide that a Petition for Review of the decision of the arbitrator shall contain a statement of the petitioning party's specific exceptions to the decision of the arbitrator. Section 7040.10 of the rules has been amended to reflect this change. Section 7040.10 has also been amended to provide a procedure for the authentication and submission of the arbitration transcript in cases in which the arbitration hearing was held after December 18, 1989.

Section 19(e) of the Acts was amended to provide that in all cases in which the hearing before the arbitrator is held after the effective date of the amendatory Act, no additional evidence shall be introduced by the parties on review of the arbitrator's decision. Section 7040.40 of the rules has been amended to provide that in all cases on review under Section 19(b) of the Act in which the first hearing of record before the Arbitrator is commenced after December 18, 1989, no additional evidence shall be introduced by the parties on review before the Commission.



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Section 7040.40 of the rules has also been amended to provide for the conduct of review hearings in cases on review under Section 19(b) of the Act in which the first hearing of record before the Arbitrator was commenced on or before December 18, 1989 and in which the Commission will continue to hold hearings on review. Section 7040.40 further provides for the time within which a party may request special findings and file interrogatories in cases in which the initial hearing before the arbitrator is held after December 18, 1989.

Section 7040.70 of the rules has been amended to provide the time period within which the statement of exceptions and/or additions and supporting brief and a response thereto must be filed in cases on review under Section 19(b) of the Act in which the first hearing of record before the Arbitrator is commenced after December 18, 1989. Language in Section 7040.70 that failure to timely file a statement of exceptions and/or additions and supporting brief will result in the Commission denying the relief sought has been deleted.

Section 13 of the Workers' Compensation Act has been amended to create a special panel of Commissioners comprised of 3 certified arbitrators appointed by the Governor, by and with the consent of the Senate. The panel will assist the Commission in reducing the backlog on review and will be deciding cases in which proofs have already been closed on review. In order to assist the special panel, Section 7040.70 has been amended to provide that in all cases in which an Abstract of the Record has not been filed by January 1, 1990, any Commissioner, including those serving on the special panel, may request the party who appealed first to file an Abstract of the Record.

- 6) Will this proposed rule replace an emergency rule currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No

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- 9) Are there any proposed amendments pending on this Part?  
No

- 10) Statement of Statewide Policy objectives: N/A

- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking:

Interested persons who desire to comment on this proposed rulemaking may submit their comments in writing no later than 30 days after the publication of this Notice to:

Kathryn A. Kelley  
Counsel  
Illinois Industrial Commission  
100 W. Randolph Street  
Suite 8-272  
Chicago, Illinois 60601  
(312) 814-6559

- 12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: April 6, 1990
- B) Types of small businesses affected: None
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the proposed amendments begins on the next page:



## ILLINOIS INDUSTRIAL COMMISSION

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TITLE 50: INSURANCE  
CHAPTER II: INDUSTRIAL COMMISSIONPART 7040  
REVIEW

Section  
7040.10  
7040.20  
7040.30  
7040.40  
7040.50  
7040.60

Perfecting a Review  
Assignment of Reviews  
Review Hearing Dates and Places  
Conduct of Review Hearings  
Remanding Orders  
Continuances for Oral Argument(s) and Extension(s)  
of Time for Filing Statements of Exception(s)  
and/or Addition(s) and Supporting Briefs and  
Abstracts  
Statements of Exception(s) and/or Addition(s) and  
Supporting Briefs and Abstracts  
Commission Decision on Review

7040.70  
7040.80

AUTHORITY: Implementing Section 19 and authorized by Section 16 of the Workers' Compensation Act (Ill. Rev. Stat. 1987, Ch. 48, pars. 138.19 and 139.16, as amended by P.A. 86-998, effective December 18, 1989.)

SOURCE: Filed and effective March 1, 1977; amended at 2 Ill. Reg. 22, p. 90, effective May 25, 1978; amended at 6 Ill. Reg. 8040, effective July 1, 1982; emergency amendment at 6 Ill. 15307, effective December 7, 1982 for a maximum of 150 days; codified at 7 Ill. Reg. 2345, amended at 8 Ill. Reg. 4499, effective March 28, 1984; amended at 9 Ill. Reg. 16249 effective October 15, 1985, emergency amendment at 19 Ill. Reg. 19133, effective 11/20/85, for a maximum of 150 days; and amended at 10 Ill. Reg. 8100, effective May 5, 1986; emergency amendment at 14 Ill. Reg. 4940, effective March 9, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 7040.10 Perfecting a Review

## a) Time for filing

## 1) Petitions for Review of an arbitration

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decision shall be filed in duplicate with the Commission within the time provided by statute.

2) The Petition for Review shall contain a statement of the petitioning party's specific exceptions to the Decision of the Arbitrator.

## b) Order of Arbitration Transcript

## 1) Stenographic reports of proceedings before the Industrial Commission shall be furnished the parties only upon written order filed with the Commission.

## 2) For purposes of perfecting a review, an arbitration transcript must be ordered within the time fixed by statute. The estimated cost of the transcript of proceedings may be obtained from the Industrial Commission, and the party requesting such transcript shall deposit a sum of money covering the estimated cost before the reporter shall be required to complete the transcript. An order entered pursuant to Section 20 of the Workers' Compensation Act may be submitted for said monetary deposits.

## c) Notice of Additional Evidence

Parties desiring to introduce additional evidence shall, not less than five (5) days before the date of the hearing on review, give the opposite party a notice apprising him of the fact that additional evidence will be submitted and the nature thereof, at which time a copy of such notice shall also be filed with the Industrial Commission.

## d) Authentication of Transcript

## 1) For purposes of perfecting a review, the transcript of arbitration proceedings must be authenticated in the manner provided by statute, and presented to the Commission prior to or at the time set for hearing on review.



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- 2) In all cases in which the first hearing of record before the arbitrator is commenced after December 18, 1989, the following procedure shall apply:

- A) Subsections (c) and (d) are not applicable.
- B) The original stenographic reports of proceedings shall be file-stamped and transmitted to the reviewing parties. Copies of the transcripts shall be furnished to the parties only upon written request filed with the Commission.
- C) Not later than seven (7) days after the date that the original stenographic report is file-stamped, the Industrial Commission shall cause to be forwarded a transmittal letter. The transmittal letter shall be forwarded to the reviewing party and the non-reviewing party or parties and shall include the following:

- i) confirmation of the transmittal of the original stenographic report to the reviewing party;
- ii) notification of the setting of the Return Date on Review for purpose of filing the authentication of the transcript; and
- iii) a transcript authentication compliance form.
- D) The Return Date on Review shall be set before a designated Commission employee at a designated Commission office within thirty (30) days of the transmittal letter. The Return Date on Review shall be limited to the filing of the authenticated transcript. No continuances shall be

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allowed for the Return Date on Review except under extraordinary circumstances.

- E) Prior to the date set for the Return Date on Review for the purpose of authentication of the transcript, the parties may elect to submit the original stenographic report, duly authenticated by the parties, to the Industrial Commission Review Department. This shall be verified by filing with the original stenographic report a transcript authentication compliance form.

- F) In the event that the parties cannot agree to authenticate the stenographic report, then on motion of either party, the arbitrator who heard the case shall review the stenographic report, authenticate same and file the authenticated report with the Review Department.

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 7040.40 Conduct of Review Hearing

- a) All cases on review under Section 19(b) of the Act in which the first hearing of record before the Arbitrator was commenced on or before December 18, 1989 shall proceed as follows:

## a)1) Order of Proof

The reviewing party, or the party whose review is filed first, shall have the right to open and close the evidence.

## b)2) Limitation of Evidence

Evidence may be adduced on review of if the evidence:



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- 1) relates to the condition of the Petitioner since the time of the arbitration hearing; or
- 2) relates to matters that occurred or conditions that developed after the arbitration hearing; or
- 3) was not introduced at the arbitration hearing for good cause.
- b) In all cases on review under Section 19(b) of the Act in which the first hearing of record before the Arbitrator is commenced after December 18, 1989, no additional evidence shall be introduced by the parties before the Commission.
- e) Briefing-Schedule-Deleted
- d) Special Findings
- 1) Either party may request in writing that the Commission make special findings upon any written question or questions of law or fact (not to exceed five (5) in number) submitted to it concerning issues raised by the review. Said interrogatories must be filed at least five (5) days prior to the Oral Argument or five (5) days after completion of the review hearing, whichever is later.

- 2) In all cases referred to in Subsection (b) above, said interrogatories must be filed at least five (5) days prior to the Oral Argument or five (5) days after the filing of the transcript, whichever is later.
- 3) A copy of the interrogatories must be served on the other side with appropriate proof of service.

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

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Section 7040.70 Statements of Exception(s) and/or Addition(s) and Supporting Briefs and Abstracts

- a) Except in cases where Section 19(b-1) Petitions have been filed, each party filing a petition for review of the Arbitrator's decision, or other proceedings such as under Sections 19(h) or 8(a) in which the right to oral arguments has been granted, or in which written statements of the parties have been ordered by the Commission, shall file its statements of exception(s) and/or addition(s) and supporting brief setting forth:

- 1) the identity of the party filing;
- 2) the names of the parties and the Commission's number of the cases;
- 3) the name of the Commissioner to whom the case has been assigned on Review;
- 4) the date, if any, scheduled for oral argument;
- 5) the name of the Arbitrator who rendered the decision or entered the order most recently prior to the filing of the party's petition;
- 6) the Arbitrator's findings, to include, whenever applicable:
  - A) date of accident and/or (last) exposure found or alleged;
  - B) the number of weeks of temporary total disability compensation awarded, and the amount of compensation paid;
  - C) the dollar amount of medical expenses awarded;
  - D) the nature of the disability and/or disfigurement and the number of weeks for disfigurement



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or the percentage of loss for permanent partial disability or specific loss, if any, awarded, or the fact of any award of benefits by reason of death or permanent total disability;

- E) the dollar amount of any awards, or other findings, under Sections 4(i), 8(f), 19(k), and Section 19(1), of the Workers' Compensation Act, if any,

- 7) appellant's statement of exception(s) and/or addition(s) to the Arbitrator's decision to include:

- A) separate headings identifying each issue asserted as an exception or addition;
- B) statements of particular evidence in the record pertaining to each such issue, together with citation of any legal authorities, including, Commission decisions, which support the position of that issue.

- b) three (3) copies of the appellant's statement of exception(s) and/or addition(s) and the supporting brief shall be filed with the Commission and served on all parties not later than (30) days from the date of closing of proofs on Review if no transcript of the hearing on Review is to be prepared, or 30 days from the date of notice of mailing or transmittal of the transcript of evidence on Review whenever such a transcript is to be prepared. The appellee may submit a response, in which case he must file three (3) copies of the response with the Commission and serve copies thereof on all parties within 15 days from the last day allowed for the filing of appellant's statement of exception(s) and/or addition(s) and supporting brief. Such a statement of exception(s) and/or addition(s) and supporting brief, and any response

thereto, shall be written or printed on one side of no more than twenty (20) 8-1/2" x 11" sheets of paper, and shall include a certificate of the date and manner of service of copies on all other parties.

- c) In addition to the statement of exception(s) and/or addition(s) and supporting brief required in the above paragraph depending on the size of the case and the complexity of the issues involved, the reviewing Commissioner may order that an abstract of the record be filed with the Commission and served on all parties by each appealing party not later than (30) days from the date of closing of proofs on Review or (30) days from the date of notice of mailing or transmittal of the transcript of evidence on Review and each responding party shall have (15) days from the last day allowed for the filing of the opposing appellant's supporting brief within which to file a supplemental or corrected abstract. Appellant's reply, if filed, shall be limited to the matter raised in the supplemental or corrected abstract and response and shall be filed within ten (10) days after the date for filing of the appellee's abstract.

- d) All documents filed under this section shall bear the caption of the case, including the Commission case number, and shall include the name of the Commissioner to whom the case has been assigned for the Review proceedings, together with the date set for oral argument, when applicable, directly under the case number in the caption. Documents filed pursuant to this section will not be considered to have met the requirements for filing if they do not comply with the requirements of subsection 1) or are not filed timely in compliance with the requirements of subsection 2) of this section. The Commission will only consider, and oral arguments will be limited to, the issues raised in both the Review proceedings stipulation form or its equivalent for proceedings such as those under Section 19(h) and (f) and in the party's statement of exception(s) and/or addition(s) and supporting brief, and to



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those in any complying response thereto. Failure of any appellant or petitioning party to file timely any statement of exception(s) and/or addition(s) and supporting brief as required by this section, including an abstract when required under paragraph 3) of this section, shall constitute waiver of the right to oral argument by that party and an election not to advise the Commission of any reason to change the Arbitrator's decision or to grant the petition; and in any case in which no appealing party has filed a statement of exception(s) and/or addition(s) and supporting brief together with any abstract required by this section, neither party will be entitled to an oral argument before the Commission and the relief sought will be denied.

e) Timely filing shall be shown by:

- 1) the date file stamped on the document at the time of receipt by the Commission at its office in Chicago, Illinois;
- 2) a legible postmark date at least two (2) calendar days prior to and exclusive of the date on which such document was due to be filed in accordance with this rule, applied by the U. S. Postal Service, and not by a party, to the envelope in which the document is received by the Commission at its offices in Chicago, Illinois, or the date applied by the U. S. Postal Service to a certified or registered mail receipt bearing the same certification or registry number as the envelope in which the document was received by the Commission at its offices in Chicago, Illinois, showing a date of mailing which is not less than two (2) calendar days prior to and exclusive of the date on which such document was due to be filed. If the date, required for filing or mailing falls on a Saturday, Sunday, or holiday, the time for filing or mailing shall be the next date which is not a Saturday, Sunday or holiday.

f) In all cases on review under Section 19(b) of the Act in which the first hearing of record before the

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arbitrator is commenced after December 18, 1989, three (3) copies of the appellant's statement of exception(s) and/or addition(s) and supporting brief shall be filed with the Commission and served on all parties not later than thirty (30) days from the Return Date on Review. The appellee may submit a response, in which case he must file three (3) copies of the response with the Commission and serve copies thereof on all parties within fifteen (15) days from the last day allowed for the filing of appellant's statement of exception(s) and/or addition(s) and supporting brief. Such a statement of exception(s) and/or addition(s) shall be written or printed on one side of no more than twenty (20) 8-1/2" x 11" sheets of paper, and shall include a certificate of the date and manner of service of copies on all other parties.

- 1) The requirements set forth in Subsections (a) and (e) above are applicable to Subsection (f).
- 2) Subsection (d) is applicable to Subsection (f).
- 3) Subsection (c) above is applicable with the addition that in any case assigned to the Special Panel in which an Abstract of the Record has not been filed by January 1, 1990 or in any case remaining before the permanent panel of Commissioners, the Special Panel or, any reviewing Commissioner of the permanent panels may, by written notice to the parties, request the party appealing first to file an Abstract of the Record within thirty (30) days of the notice. The other party may file a supplemental Abstract within fifteen (15) days of the receipt of the original Abstract.

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

1) The Heading of the Part: AID TO FAMILIES WITH DEPENDENT CHILDREN

2) Code Citation: 89 Ill. Adm. Code 112

3) Section Numbers: Proposed Action:

112.130 Amendment  
112.131 Amendment  
112.141 Amendment  
112.143 Amendment  
112.145 Amendment  
112.147 Amendment

4) Statutory Authority: Sections 4-1.6, 4-2 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, pars. 4-1.6, 4-2 and 12-13)

5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements Section 402 of the Family Support Act (P.L. 100-435). Specifically, this rulemaking changes the Department's policy on earned income disregards as follows:

- 1) increases the standard work expense from \$75.00 to \$90.00;
- 2) exempts earned income credit payments;
- 3) changes the order of disregards to the first \$90.00, \$30.00 plus one-third/\$30.00 and the cost of child care up to the previously stated limits; and
- 4) increases the limit on dependent child care from \$160.00 to \$175.00 for children age two and above and to \$200.00 for children under age two.

6) Will these Proposed Amendments replace Emergency Amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date?  
Yes ☐ No ☒

8) Do these Proposed Amendments contain incorporations by reference? No

9) Are there any other Proposed Amendments pending on this Part? Yes

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
112.9	Amendment	February 23, 1990 (14 Ill. Reg. 2798)
112.70	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.71	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.72	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.74	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.76	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.77	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.80	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.82	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.83	Renumbered & Amended	January 19, 1990 (14 Ill. Reg. 1123)
112.110	Amendment	March 16, 1990 (14 Ill. Reg. 4054)
112.151	Amendment	March 16, 1990 (14 Ill. Reg. 4054)
112.308	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.315	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.350	New Section	January 19, 1990 (14 Ill. Reg. 1123)



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<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
112.352	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.354	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.356	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.358	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.360	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.362	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.364	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.366	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.400	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.402	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.404	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.406	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.408	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.410	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.412	New Section	January 19, 1990 (14 Ill. Reg. 1123)

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<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
112.414	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.416	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.418	New Section	January 19, 1990 (14 Ill. Reg. 1123)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Office of the General Counsel, Illinois Department of Public Aid, 100 S. Grand Ave. E., 3rd Fl., Springfield, Illinois 62762 (217/782-1233). The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendments begins on the next page:



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TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 112  
AID TO FAMILIES WITH DEPENDENT CHILDREN

## SUBPART A: GENERAL PROVISIONS

Section  
112.1 Description of the Assistance Program  
112.5 Incorporation By Reference

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section  
112.8 Caretaker Relative  
112.9 Client Cooperation  
112.10 Citizenship  
112.20 Residence  
112.30 Age  
112.40 Relationship  
112.50 Living Arrangement  
112.52 Social Security Numbers  
112.54 Assignment of Medical Support Rights  
112.60 Lack of Parental Support or Care  
112.61 Death of a Parent  
112.62 Incapacity of a Parent  
112.63 Continued Absence of a Parent  
112.64 Unemployment of the Parent

## SUBPART C: PROJECT CHANCE

Section  
112.70 Registration Requirements For Project Chance  
112.71 Individuals Exempt From Project Chance  
112.72 Project Chance Participation/Cooperation Requirements  
112.73 Failure to Participate with the Work Incentive Demonstration Program (Renumbered)  
112.74 Project Chance Full Assessment Process/Development of an Employment Plan  
112.76 Project Chance Orientation  
112.77 Illinois Work Experience Program Evaluation Project (Renumbered)  
112.78 Project Chance Components  
112.79 Project Chance Sanctions

Section  
112.80 Good Cause for Failure to Comply With Project Chance Participation Requirements  
112.81 Responsible Relative Eligibility For Project Chance  
112.82 Project Chance Supportive Services  
112.83 Employment Child Care  
112.84 Work Experience Evaluation Project  
112.85 Four Year College/Vocational Training Demonstration Project

## SUBPART E: PROJECT ADVANCE

Section  
112.86 Project Advance  
112.87 Project Advance Experimental and Control Groups  
112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers  
112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers  
112.90 Project Advance Sanctions  
112.91 Good Cause for Failure to Comply with Project Advance  
112.93 Individuals Exempt From Project Advance  
112.95 Project Advance Supportive Services

## SUBPART F: EXCHANGE PROGRAM

Section  
112.98 Exchange Program

## SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section  
112.100 Unearned Income  
112.101 Unearned Income of Stepparent, Parent or Legal Guardian  
112.105 Budgeting Unearned Income  
112.106 Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision  
112.107 Initial Receipt of Unearned Income  
112.108 Termination of Unearned Income  
112.110 Exempt Unearned Income  
112.115 Education Benefits  
112.120 Incentive Allowances  
112.125 Unearned Income In-Kind  
112.126 Earmarked Income  
112.127 Lump Sum Payments  
112.128 Protected Income  
112.130 Earned Income



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Section	
112.131	Earned Income Tax Credit
112.132	Budgeting Earned Income
112.133	Budgeting Earned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.134	Initial Employment
112.135	Budgeting Earned Income For Contractual Employees
112.136	Budgeting Earned Income For Non-Contractual School Employees
112.137	Termination of Employment
112.138	Transitional Payments
112.140	Exempt Earned Income
112.141	Earned Income Exemption
112.142	Exclusion From Earned Income Exemption
112.143	Recognized Employment Expenses
112.144	Income From Work/Study/Training Program
112.145	Earned Income From Self-Employment
112.146	Earned Income From Roomer and Boarder
112.147	Income From Rental Property
112.148	Payments from the Illinois Department of Children and Family Services
112.149	Earned Income In-Kind
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**AUTHORITY:** Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 4-1 et seq. and 12-13).

**SOURCE:** Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 2, 1981; amended at 5 Ill. Reg. 1134,



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effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176,

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effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984 for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625,



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effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 11 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. \_\_\_\_\_, effective April 16, 1990; amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section 112.130 Earned Income

- a) All currently available income which is not specified as exempt shall be considered in the determination of eligibility and the level of the assistance payment.
- b) Earned income is remuneration acquired through the receipt of salaries or wages for services performed as an employee or profits from an activity in which the individual is self-employed.

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Section 112.130 Earned Income (Cont'd.)

- c) In determining eligibility and level of assistance, the following shall be considered:
  - 1) the earned income of a stepparent of an AFDC child if the stepparent lives with the assistance unit and is not an SSI recipient;
  - 2) the earned income of a parent or legal guardian of a person under age 18 who is receiving assistance as a parent or dependent child if they are all living in the same household. This provision does not apply if the parent or legal guardian receives SSI.
- d) The amount of the total available income of the stepparent, parent or legal guardian under subsection (c) above shall be the income remaining after the following amounts have been deducted:
  - 1) As employment expenses, \$75 \$90.00 from the gross earned income or income remaining after deducting self-employment business expenses for an employed person (see Section 112.145).
  - 2) An amount equal to the Department's Standard of Need for a family size taking into account the needs of the stepparent, parent or legal guardian, and the needs of individuals residing with the stepparent, parent or legal guardian not included in the assistance unit whom the stepparent, parent or legal guardian claims or could claim as federal tax dependents;
  - 3) Amounts paid by the stepparent, parent or legal guardian for alimony or child support to individuals outside the home;
  - 4) Amounts paid by the stepparent, parent or legal guardian to individuals outside the home whom the stepparent, parent or legal guardian claims or who could be claimed as federal tax dependents.
- e) Earned income received through the Job Training Partnership Act by all dependent children is exempt for six (6) months each year from comparison to 185%



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## Section 112.130 Earned Income (Cont'd.)

of the Standard of Need (see 89 Ill. Adm. Code 110.10 to 110.100).

- f) Earned income received through the Job Training Partnership Act by dependent children who are full-time students or who are part-time students and not employed full-time (working 100 hours or more per month) is exempt in determining the AFDC grant (see Section 112.140 for a definition of "full-time student" and "part-time students"). Participants in Job Corps are considered students.
- g) Earned income received through the Job Training Partnership Act by dependent children who are not students as described in subsection (f) above is exempt for only six months each year in determining the AFDC grant.
- h) Earned income received by all dependent children who are full-time students or part-time students who are not full-time employed is exempt for six (6) months each year from comparison to 185% of the Standard of Need.

(Source: Amended at 14 Ill. Reg. \_\_\_, effective \_\_\_\_\_)

## Section 112.131 Earned Income Tax Credit

- a) In determining eligibility and level of assistance payment against the 185% Standard of Need, the amount of earned income tax credit which the client actually receives as advanced payment, or as a refund of federal income taxes shall not be exempt. ~~shall be added to the earnings of the AFDC client each month. The amount of the earned income tax credit received with or as a refund of federal income taxes shall be considered earned income.~~
- b) In determining eligibility and level of assistance against the payment level, the amount of earned income tax credit which the client receives as advance payment or as a refund of federal income taxes shall be exempt.
- b) In budgeting the earned income tax credit as earned income, the recognized employment expenses of Section

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## Section 112.131 Earned Income Tax Credit (Cont'd)

112.143 shall be applied.

- a) In budgeting earned income tax credit received with or as a refund of federal income taxes, the recognized employment expenses of Section 112.143 shall be applied. However, expenses of child care shall not be applied if the only earned income received in the month is a refund of earned income tax credit.

(Source: Amended at 14 Ill. Reg. \_\_\_, effective \_\_\_\_\_)

## Section 112.141 Earned Income Exemption

- a) After the \$90.00 disregard for employment expenses is allowed (see Section 112.130), the first \$30.00 of the combined earned income of each employed person after allowable disregards (excluding the earned income of a dependent child as exempt earned income in Section 112.131 and 112.140) plus one-third of the remainder shall be exempt from consideration for four (4) consecutive months.

- b) After the \$30.00 plus one-third has been allowed for four (4) consecutive months, \$30.00 shall be exempt for an additional eight (8) consecutive months.

- c) Once the \$30.00 plus one-third exemption has been allowed for four (4) consecutive months and the \$30.00 exemption has been allowed for an additional eight (8) consecutive months, the earned income deduction shall not be allowed again until the individual has not received cash assistance for twelve (12) consecutive months.

(Source: Amended at 14 Ill. Reg. \_\_\_, effective \_\_\_\_\_)

## Section 112.143 Recognized Employment Expenses

- a) Per employment expenses, \$75.00 shall be deducted from gross earned income of each employed individual.
- b) In addition, for earnings for self-employment and rental property an amount equal to the reasonable



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## Section 112.143 Recognized Employment Expenses

expenses-directly-attributable-to-producing-goods-or-services-of-an-amount-equal-to-the-reasonable-expenses-of-rental-shall-be-deducted-from-income.

- a) For earnings from self-employment and rental property, an amount equal to the reasonable expenses directly attributable to producing goods or services or an amount equal to the reasonable expenses of rental shall be deducted from income.

- b) For employment expenses, \$90.00 shall be deducted from gross earned income of each employed individual.

- c) The employment expense allowance is not available to an individual for any month in the following situations:

- 1) The individual terminated employment or reduced earned income without good cause within the period of 30 days preceding such month, or
- 2) The individual refused without good cause, within the period of 30 days preceding such month, to accept employment in which the individual was able to engage and which has been determined to be a suitable, available offer of employment, or
- 3) The individual fails without good cause to report income in a timely manner, or
- 4) The individual voluntarily requests AFDC assistance to be terminated to avoid receiving the earned income exemption for four consecutive months. (See Sections 112.140 and 112.142).

d) Child Care

- 1) Expenses of child care shall be deducted from income up to a maximum of \$200.00 per child for each child under age two (2) and \$175.00 for each child age two (2) or older.
- 2) The child care deduction is not allowed when the child care provider is a responsible relative of the child receiving care.

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## Section 112.143 Recognized Employment Expenses (Cont'd)

- d) 1) Expenses-of-child-care-shall-be-deducted-from-income-up-to-a-maximum-of-\$160-per-child-or-\$128-per-child-if-the-entrant-is-not-full-time-employed-or-not-employed-throughout-the-month-as-designated below.

- 2) The-child-care-deduction-is-not-allowed-when-the-child-care-provider-is-a-responsible-relative-of-the-child-receiving-care.

- e) Full-time-employment-means-the-individual-is-employed-for-at-least-100-hours-during-the-month--Employed-throughout-the-month-means-the-individual-is-employed-at-least-one-half-of-the-days-of-the-month.

(Source: Amended at 14 Ill. Reg. \_\_\_\_, effective \_\_\_\_)

## Section 112.145 Earned Income From Self-Employment

- a) Income realized from self-employment shall be considered earned income.
- b) Accurate and complete records shall be kept on all monies received and spent through self-employment. If the individual fails or refuses to maintain complete business records, the assistance unit shall be ineligible.
- c) Business expenses shall be verified. The individual shall have full responsibility for proof of any business expense. No deduction shall be allowed for depreciation, obsolescence and/or similar losses in the operation of the business. Gross income from the business shall be turned back into the business only to replace stock actually sold.

- d) The net income shall be the gross remaining after the replacement of stock and business expenses have been considered, and the \$75 \$90.00 appropriate employment expenses (see Section 112.143). and-child-care expenses, as specified in Section 112.143, have been deducted.--The earned income exemption, if applicable, shall then be computed and deducted from on-the net-



## DEPARTMENT OF PUBLIC AID

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Section 112.145 Earned Income From Self-Employment (Cont'd)  
remaining earned income. The child care expenses (see Section 112.143) shall then be deducted from the remaining earned income.

(Source: Amended at 14 Ill. Reg. \_\_\_\_, effective \_\_\_\_)

## Section 112.147 Income From Rental Property

- a) Income received from rental property owned by a client is considered as earned if the money is produced by the client's services. For example, managing the property or managing the capital investment are ways to qualify rental income as earned. If the client has no specific responsibility for management of the property or the investment the rental does not qualify as earned income.
- b) When determining net income, the reasonable and necessary rental expenses which the client incurs in the production of income may be deducted from the gross income. Reasonable and necessary rental Section 112.147 expenses include repairs, taxes, insurance, and utilities if the landlord pays them.
- c) If a client is responsible for cleaning a room and providing clean linens, the income which he receives shall be considered earned income from a roomer rather than earned income from rental property.
- d) After deduction of rental expenses, the appropriate employment expenses, and child care expenses, as specified in Section 112.143, shall be deducted to determine net rental income.
- e) The earned income exemption, if applicable, shall be deducted from net rental income.
- d) After deduction of rental expenses, the \$90.00 employment expense, as specified in Section 112.143, shall be deleted.
- e) The earned income exemption, if applicable, as specified in Section 112.141, shall be deducted.

## DEPARTMENT OF PUBLIC AID

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Section 112.147 Income From Rental Property (Cont'd)

- f) Child care expenses, as specified in Section 112.143, shall then be deducted from the remainder.

(Source: Amended at 14 Ill. Reg. \_\_\_\_, effective \_\_\_\_)



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## NOTICE OF PROPOSED AMENDMENTS

1) The Heading of the Part: GENERAL ASSISTANCE

2) Code Citation: 89 Ill. Adm. Code 114

3) Section Numbers: Proposed Action:

114.235 Amendment  
114.241 Amendment

4) Statutory Authority: Sections 6-1.2, 6-2 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 6-1.2, 6-2 and 12-13)

5) A Complete Description of the Subjects and Issues Involved: This rulemaking: (1) increases the standard work expense from \$75.00 to \$90.00; and (2) increases the limit on dependent child care from \$160.00 to \$175.00 for children age two and above and to \$200.00 for children under age two.

6) Will these Proposed Amendments replace Emergency Amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date?  
Yes ☒ No ☐

8) Does this Proposed Amendment contain incorporations by reference? No

9) Are there any other Proposed Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
114.9	Amendment	February 23, 1990 (14 Ill. Reg. 2821)
114.140	Repealed	April 6, 1990 (14 Ill. Reg. 5385)
114.210	Amendment	March 16, 1990 (14 Ill. Reg. 4070)
114.251	Amendment	March 16, 1990 (14 Ill. Reg. 4070)
114.450	New Section	April 6, 1990 (14 Ill. Reg. 5385)

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Section Numbers	Proposed Action	Illinois Register Citation
114.452	New Section	April 6, 1990 (14 Ill. Reg. 5385)
114.454	New Section	April 6, 1990 (14 Ill. Reg. 5385)
114.456	New Section	April 6, 1990 (14 Ill. Reg. 5385)
114.458	New Section	April 6, 1990 (14 Ill. Reg. 5385)
114.460	New Section	April 6, 1990 (14 Ill. Reg. 5385)
114.462	New Section	April 6, 1990 (14 Ill. Reg. 5385)
114.464	New Section	April 6, 1990 (14 Ill. Reg. 5385)
114.466	New Section	April 6, 1990 (14 Ill. Reg. 5385)
114.500	New Section	April 6, 1990 (14 Ill. Reg. 5385)
114.502	New Section	April 6, 1990 (14 Ill. Reg. 5385)
114.504	New Section	April 6, 1990 (14 Ill. Reg. 5385)
114.506	New Section	April 6, 1990 (14 Ill. Reg. 5385)
114.508	New Section	April 6, 1990 (14 Ill. Reg. 5385)
114.510	New Section	April 6, 1990 (14 Ill. Reg. 5385)
114.512	New Section	April 6, 1990 (14 Ill. Reg. 5385)



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Section Numbers   Proposed Action   Illinois Register Citation114.514   New Section   April 6, 1990  
(14 Ill. Reg. 5385 )114.516   New Section   April 6, 1990  
(14 Ill. Reg. 5385 )114.518   New Section   April 6, 1990  
(14 Ill. Reg. 5385 )10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Office of the General Counsel, Illinois Department of Public Aid, 100 South Grand Avenue East, Springfield, Illinois 62762 (217/782-1233). The Department will consider all written comments it receives within 30 days of the date of publication of this notice.12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

## PART 114

## GENERAL ASSISTANCE

## SUBPART A: GENERAL PROVISIONS

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114.1   Description of the Assistance Program  
114.5   Incorporation By Reference

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section  
114.9   Client Cooperation  
114.10   Citizenship  
114.20   Residence  
114.30   Age  
114.40   Relationship  
114.50   Living Arrangement  
114.52   Social Security Numbers  
114.60   Work Registration Requirements  
114.61   Individuals Exempt From Work Registration Requirements  
114.62   Job Service Registration  
114.63   Failure to Maintain Current Job Service Registration  
114.64   Responsibility to Seek Employment  
114.70   Initial Employment Expenses  
114.80   Work and Training Programs  
114.90   Project Chance Participation/Cooperation Requirements  
(Renumbered)  
114.100   General Assistance Jobs Program (Repealed)

## SUBPART C: PROJECT ADVANCE

Section  
114.108   Project Advance  
114.109   Project Advance Participation Requirements of  
Adjudicated Fathers  
114.110   Project Advance Cooperation Requirements of  
Adjudicated Fathers  
114.111   Project Advance Sanctions  
114.113   Project Advance Good Cause for Failure to Comply  
114.115   Individuals Exempt From Project Advance  
114.117   Project Advance Supportive Services



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## NOTICE OF PROPOSED AMENDMENTS

## SUBPART D: PROJECT CHANCE

Section  
114.120 Employment, Training, Rehabilitation, and Advocacy for General Assistance Programs Administered by the Illinois Department of Public Aid

114.121 Persons Required to Participate in Employment and Training

114.122 Advocacy Program for Persons Who Have Applied for Supplemental Security Income (SSI) Under Title XVI of the Social Security Act

114.123 Persons in Need of Work Rehabilitative Services (WRS) to Become Employable

114.124 Employment and Training Participation/Cooperation Requirements

114.125 Employment and Training Program Orientation

114.126 Employment and Training Program Full Assessment Process/Development of an Employment Plan

114.127 Employment and Training Program Components

114.128 Employment and Training Sanctions

114.129 Good Cause For Failure to Cooperate With Work and Training Participation Requirements

114.130 Employment and Training Supportive Services

114.140 Employment Child Care

## SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

Section  
114.200 Unearned Income

114.201 Budgeting Unearned Income

114.202 Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision

114.203 Initial Receipt of Unearned Income

114.204 Termination of Unearned Income

114.210 Exempt Unearned Income

114.220 Education Benefits

114.221 Unearned Income In-Kind

114.222 Earnmarked Income

114.223 Lump Sum Payments

114.224 Protected Income

114.225 Earned Income

114.226 Budgeting Earned Income

114.227 Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision

114.228 Initial Employment

114.229 Termination of Employment

114.230 Exempt Earned Income

114.235 Recognized Employment Expenses

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Section  
114.240 Income From Work/Study/Training Program (Repealed)

114.241 Earned Income From Self-Employment

114.242 Earned Income From Roomer and Boarder

114.243 Earned Income From Rental Property

114.244 Earned Income In-Kind

114.245 Payments from the Illinois Department of Children and Family Services

114.246 Budgeting Earned Income For Contractual Employees

114.247 Budgeting Earned Income For Non-contractual School Employees

114.250 Assets

114.251 Exempt Assets

114.252 Asset Disregards

114.260 Deferral of Consideration of Assets (Repealed)

114.270 Property Transfers (Emergency Expired)

114.280 Supplemental Payments

## SUBPART F: PAYMENT AMOUNTS

Section  
114.350 Payment Levels for General Assistance

114.351 Payment Levels in Group I Counties

114.352 Payment Levels in Group II Counties

114.353 Payment Levels in Group III Counties

## SUBPART G: OTHER PROVISIONS

Section  
114.400 Persons Who May Be Included In the Assistance Unit

114.401 Eligibility of Strikers

114.402 Special Needs Authorizations

114.403 Institutional Status

114.404 Retrospective Budgeting

114.405 Budgeting Schedule

114.420 Redetermination of Eligibility

114.430 Six Month Extension of Medical Assistance Due to Increased Income From Employment

AUTHORITY: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 6-1 et seq. and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory



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amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. 33, p. 399, effective August 18, 1979; amended at 3 Ill. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; \_

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peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 7, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9909, effective August 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 16107; amended at 7 Ill. Reg. 16408, effective November 30, 1983; amended at 7 Ill. Reg. 16652, effective December 1, 1983; amended at 8 Ill. Reg. 243, effective December 27, 1983; amended at 8 Ill. Reg. 5233, effective April 9, 1984; amended at 8 Ill. Reg. 6764, effective April 27, 1984; amended at 8 Ill. Reg. 11435, effective June 27, 1984; amended at 8 Ill. Reg. 13319, effective July 16, 1984; amended at 8 Ill. Reg. 16237, effective August 24, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17896; amended at 9 Ill. Reg. 314, effective January 1, 1985; emergency amendment at 9 Ill. Reg. 823, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9557, effective June 5, 1985; amended at 9 Ill. Reg. 10764, effective July 5, 1985; amended at 9 Ill. Reg. 15800, effective October 16, 1985; amended at 10 Ill. Reg. 1924, effective January 17, 1986; amended at 10 Ill. Reg. 3660, effective January 30, 1986; emergency amendment at 10 Ill. Reg. 4646, effective February 3, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 4896, effective March 7, 1986; amended at 10 Ill. Reg. 10681, effective June 3, 1986; amended at 10 Ill. Reg. 11041, effective June 5, 1986; amended at 10 Ill. Reg. 12662, effective July 14, 1986; amended at 10 Ill. Reg. 15118, effective September 5, 1986; amended at 10 Ill. Reg. 15640, effective September 19, 1986; amended at 10 Ill. Reg. 19079, effective October 24, 1986; amended at 11 Ill. Reg. 5297, effective January 16, 1987; amended at 11 Ill. Reg. 6238, effective March 11, 1987; amended at 11 Ill. Reg. 6238, effective March 20, 1987; emergency amendment at 11 Ill. Reg. 12449, effective July 10, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 12948, effective August 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 18311, effective November 1, 1987, for a maximum of 150



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days; amended at 11 Ill. Reg. 18689, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18791, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20129, effective December 4, 1987; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 889, effective January 1, 1988; SUBPARTS C, D and E reclassified to SUBPARTS E, F and G at 12 Ill. Reg. 2147; Section 114.110 reclassified to Section 114.52 at 12 Ill. Reg. 2984; amended at 12 Ill. Reg. 3505, effective January 22, 1988; amended at 12 Ill. Reg. 6170, effective March 18, 1988; amended at 12 Ill. Reg. 6719, effective March 22, 1988; amended at 12 Ill. Reg. 9108, effective May 20, 1988; amended at 12 Ill. Reg. 9699, effective May 24, 1988; amended at 12 Ill. Reg. 9940, effective May 31, 1988; amended at 12 Ill. Reg. 11474, effective June 30, 1988; amended at 12 Ill. Reg. 14255, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 14364, effective September 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16729, effective September 30, 1988; amended at 12 Ill. Reg. 20171, effective November 28, 1988; amended at 13 Ill. Reg. 89, effective January 1, 1989; amended at 13 Ill. Reg. 1546, effective January 20, 1989; amended at 13 Ill. Reg. 3900, effective March 10, 1989; amended at 13 Ill. Reg. 8580, effective May 20, 1989; emergency amendment at 13 Ill. Reg. 16169, effective October 2, 1989 for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 16015, effective October 6, 1989; amended at 14 Ill. Reg. 746, effective January 1, 1990; amended at 14 Ill. Reg. 3640, effective February 23, 1990; amended at 14 Ill. Reg. \_\_\_\_\_, effective April 16, 1990; amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

Section 114.235 Recognized Employment Expenses

- a) For employment expenses, \$75.00 shall be deducted from gross income of each employed individual.
- b) In addition, for earnings for self-employment and rental property, an amount equal to the reasonable expenses directly attributable to producing goods or services or an amount equal to the reasonable expenses of rental shall be deducted from income.
- a) For earnings from self-employment and rental property,

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Section 114.235 Recognized Employment Expenses (Cont'd.)

an amount equal to the reasonable expenses directly attributable to producing goods or services or an amount equal to the reasonable expenses of rental shall be deducted from income.

- b) For employment expenses, \$90.00 shall be deducted from gross earned income of each employed individual.

c) Child Care

- 1) Expenses of child care shall be deducted from income up to a maximum of \$160 \$200.00 per child or \$128 per child if the child is not full-time employed or not employed throughout the month as defined below for each child under the age of two (2) and \$175.00 for each child age two (2) and over.

- 2) The child care deduction is not allowed when the child care provider is a responsible relative of the child receiving care.

- d) Full-time employment means the individual is employed for at least 100 hours during the month. Employed throughout the month means the individual is employed at least one-half of the days of the month.

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 114.241 Earned Income From Self-Employment

- a) Income realized from self-employment shall be considered earned income.

- b) Accurate and complete records shall be kept on all monies received and spent through self-employment. If the individual fails or refuses to maintain complete business records, the assistance unit shall be ineligible.

- c) Business expenses shall be verified. The individual shall have full responsibility for proof of any business expense. No deduction shall be allowed for depreciation, obsolescence and/or similar losses in the operation of the business. Gross income from the



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Section 114.241 Earned Income From Self-Employment (Cont'd.)  
business shall be turned back into the business only  
to replace stock actually sold.

- d) The net income shall be the gross remaining after the replacement of stock and business expenses have been considered, and the \$75 \$90.00 appropriate employment expenses and child care expenses, as specified in Section 114.235, have been deducted. ~~The earned income exemption, if applicable, shall be computed on the net income.~~

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## NOTICE OF PROPOSED AMENDMENTS

1) The Heading of the Part: MEDICAL ASSISTANCE PROGRAMS

2) Code Citation: 89 Ill. Adm. Code 120

3) Section Numbers: Proposed Action:

120.11 Amendment  
120.31 Amendment  
120.60 Amendment  
120.64 Amendment  
120.390 Amendment  
120.391 Amendment

4) Statutory Authority: Sections 5-2, 5-4 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 5-2, 5-4 and 12-13)

5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements Section 6401 of the Omnibus Budget Reconciliation Act of 1989 (42 U.S.C. 1396a) which mandates expansion of the Medicaid program for pregnant women and for children under age six (6). The Department must provide medicaid coverage to pregnant women and to children under age six (6) with income up to 133% of the Federal poverty level. Current policy provides medicaid coverage to pregnant women and to children under age one (1) year with income up to 100% of the Federal poverty level.

6) Will these Proposed Amendments replace Emergency Amendments currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date?  
Yes X No

8) Do these Proposed Amendments contain incorporations by reference? No

9) Are there any other Proposed Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
120.70	Amendment	January 12, 1990 (14 Ill. Reg. 558)
120.72	Amendment	January 12, 1990 (14 Ill. Reg. 558)



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## NOTICE OF PROPOSED AMENDMENTS

Section Numbers	Proposed Action	Illinois Register Citation
120.74	Amendment	January 12, 1990 (14 Ill. Reg. 558)
120.76	Amendment	January 12, 1990 (14 Ill. Reg. 558)
120.208	Amendment	February 23, 1990 (14 Ill. Reg. 2831)
120.308	Amendment	February 23, 1990 (14 Ill. Reg. 2831)
120.235	Amendment	March 16, 1990 (14 Ill. Reg. 4081)
120.281	Amendment	March 16, 1990 (14 Ill. Reg. 4081)

10) Statement of Statewide Policy Objectives This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Staff Attorney, Office of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris Building II, 100 South Grand Avenue East, 3rd Floor, Springfield, Illinois 62762 (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendments are identical to the text of the Emergency Amendments which appears in this issue of the Register on page 5841.

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1) The Heading of the Part: MEDICAL PAYMENT

2) Code Citation: 89 Ill. Adm. Code 140

3) Section Numbers: Proposed Action:

140.7 Amendment  
140.461 Amendment  
140.462 Amendment  
140.463 Amendment

4) Statutory Authority:

89 Ill. Adm. Code 140.7

Section 5-5.1 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 5-5.1 et seq. and 12-13)

89 Ill. Adm. Code 140.461 thru 140.463

Sections 5-5.1 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 5-5.1 et seq. and 12-13)

5) A Complete Description of the Subjects and Issues Involved:

89 Ill. Adm. Code 140.7

This rulemaking implements Section 6401 of the Omnibus Budget Reconciliation Act of 1989 (42 U.S.C. 1396a) which mandates expansion of the Medicaid Program for pregnant women and for children under age six (6). The Department must provide Medicaid coverage to pregnant women and to children under age six (6) with income up to 133% of the Federal poverty level. Current policy provides Medicaid coverage to pregnant women and to children under age one (1) year with income up to 100% of the Federal poverty level.

89 Ill. Adm. Code 140.461 thru 140.463

This rulemaking revises reimbursement methodologies for, and delineates covered services in, encounter rate clinics. Enrollment in the Medicaid Program is now opened to new encounter rate clinics. These revisions are required under the terms of the Omnibus Reconciliation Act of 1989.



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## NOTICE OF PROPOSED AMENDMENTS

- 6) Will these Proposed Amendments replace Emergency Amendments currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date?  
     Yes ☐ No ☒
- 8) Do these Proposed Amendments contain incorporations by reference? No
- 9) Are there any other Proposed Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
140.24	Amendment	April 13, 1990 (14 Ill. Reg. 5417)
140.400	Amendment	February 2, 1990 (14 Ill. Reg. 1737)
140.413	Amendment	March 30, 1990 (14 Ill. Reg. 4860)
140.420	Amendment	January 26, 1990 (14 Ill. Reg. 1570)
140.421	Amendment	January 26, 1990 (14 Ill. Reg. 1570)
140.435	Amendment	February 2, 1990 (14 Ill. Reg. 1737)
140.436	Amendment	February 2, 1990 (14 Ill. Reg. 1737)
140.475	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.476	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.477	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.478	Amendment	September 29, 1989 (13 Ill. Reg. 15281)

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Section Numbers	Proposed Action	Illinois Register Citation
140.479	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.480	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.481	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.525	Amendment	November 17, 1989 (13 Ill. Reg. 17667)
140.526	Amendment	November 17, 1989 (13 Ill. Reg. 17667)
140.528	Amendment	November 17, 1989 (13 Ill. Reg. 17667)
140.542	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.543	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.544	Repealed	March 23, 1990 (14 Ill. Reg. 4415)
140.545	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.565	Repealed	November 17, 1989 (13 Ill. Reg. 17667)
140.566	Repealed	November 17, 1989 (13 Ill. Reg. 17667)
140.567	Repealed	November 17, 1989 (13 Ill. Reg. 17667)
140.568	Repealed	November 17, 1989 (13 Ill. Reg. 17667)
140.642	Amendment	March 2, 1990 (14 Ill. Reg. 3019)



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Section Numbers	Proposed Action	Illinois Register Citation
140.646	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.647	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.648	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.649	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.650	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.652	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140. Table D	Amendment	January 26, 1990 (14 Ill. Reg. 1570)
140. Table H	Amendment	March 2, 1990 (14 Ill. Reg. 3019)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Staff Attorney, Office of the General Counsel, Illinois Department of Public Aid, 100 South Grand Avenue East, Springfield, Illinois 62762 (217/782-1233). The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis:

89 Ill. Adm. Code 140.7

This rulemaking has no effect on small businesses.

89 Ill. Adm. Code 140.461 thru 140.463

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- A) Date Proposed Amendments were submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: April 2, 1990
- B) Types of small businesses affected: Medical Providers
- C) Reporting, bookkeeping or other procedures required for compliance: No new procedures required.
- D) Types of professional skills necessary for compliance: No new skills required.

The full text of the Proposed Amendments begins on the next page:



DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140  
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

- Section  
140.1  
140.2  
140.3  
140.4  
140.5  
140.6  
140.7  
140.8  
140.9  
140.10
- Incorporation By Reference  
Medical Assistance Programs  
Covered Services Under The Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy  
Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)  
Covered Medical Services Under GA and AMI  
Medical Services Not Covered  
Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Infants-Children Under Age One-Year-Six  
Medical Assistance For Qualified Severely Impaired Individuals  
Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy  
Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION/DRUG MANUAL

- Section  
140.11  
140.12  
140.13  
140.14  
140.15  
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- Enrollment Conditions for Medical Providers  
Participation Requirements for Medical Providers  
Definitions  
Denial of Application to Participate in the Medical Assistance Program  
Recovery of Money  
Termination of a Vendor's Eligibility to Participate in the Medical Assistance Program  
Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program

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- Section  
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140.71  
140.72  
140.73
- Effect of Termination on Individuals Associated with Vendor  
Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring  
Submittal of Claims  
Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)  
Magnetic Tape Billings  
Payment of Claims  
Payment Procedures  
Overpayment or Underpayment of Claims  
Payment to Factors Prohibited  
Assignment of Vendor Payments  
Record Requirements for Medical Providers  
Audits  
False Reporting and Other Fraudulent Activities  
Prior Approval for Medical Services or Items  
Prior Approval in Cases of Emergency  
Limitation on Prior Approval  
Post Approval for Items or Services When Prior Approval Cannot Be Obtained  
Drug Manual (Recodified)  
Drug Manual (Recodified)  
Drug Manual Updates (Recodified)

SUBPART C: HOSPITAL SERVICES

- Section  
140.94  
140.95  
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140.110  
140.116  
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140.200  
140.201
- Hospital Services (Recodified)  
Participation (Recodified)  
General Requirements (Recodified)  
Special Requirements (Recodified)  
Covered Hospital Services (Recodified)  
Hospital Services Not Covered (Recodified)  
Limitation On Hospital Services (Recodified)  
Transplants (Recodified)  
Heart Transplants (Recodified)  
Liver Transplants (Recodified)  
Bone Marrow Transplants (Recodified)  
Disproportionate Share Hospital Adjustments (Recodified)  
Payment for Inpatient Services for GA (Recodified)  
Hospital Outpatient and Clinic Services (Recodified)  
Payment for Hospital Services During Fiscal Year 1982 (Recodified)  
Payment for Hospital Services After June 30, 1982 (Repealed)



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Section	
140.202	Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203	Limits on Length of Stay by Diagnosis (Recodified)
140.300	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350	Copayments (Recodified)
140.360	Payment Methodology (Recodified)
140.361	Non-Participating Hospitals (Recodified)
140.362	Pre July 1, 1989 Services (Recodified)
140.363	Post June 30, 1989 Services (Recodified)
140.364	Prepayment Review (Recodified)
140.365	Base Year Costs (Recodified)
140.366	Restructuring Adjustment (Recodified)
140.367	Inflation Adjustment (Recodified)
140.368	Volume Adjustment (Repealed)
140.369	Groupings (Recodified)
140.370	Rate Calculation (Recodified)
140.371	Payment (Recodified)
140.372	Review Procedure (Recodified)
140.373	Utilization (Repealed)
140.374	Alternatives (Recodified)
140.375	Exemptions (Recodified)
140.376	Utilization, Case-Mix and Discretionary Funds (Repealed)
140.390	Subacute Alcoholism and Substance Abuse Services (Recodified)
140.391	Definitions (Recodified)
140.392	Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
140.394	Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.396	Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.398	Hearings (Recodified)

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section	
140.400	Payment to Practitioners and Laboratories
140.410	Physicians' Services
140.411	Covered Services By Physicians
140.412	Services Not Covered By Physicians
140.413	Limitation on Physician Services
140.414	Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
140.416	Optometric Services and Materials

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Section	
140.417	Limitations on Optometric Services
140.418	Department of Corrections Laboratory
140.420	Dental Services
140.421	Limitations on Dental Services
140.422	Requirements for Prescriptions and Dispensing Items of Pharmacy Items - Dentists
140.425	Podiatry Services
140.426	Limitations on Podiatry Services
140.427	Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry
140.428	Chiropractic Services
140.429	Limitations on Chiropractic Services
140.430	Independent Laboratory Services
140.431	Services Not Covered by Independent Laboratory
140.432	Limitations on Independent Laboratory Services
140.433	Payment for Laboratory Services
140.434	Record Requirements for Independent Laboratories
140.440	Pharmacy Services
140.441	Pharmacy Services Not Covered
140.442	Prior Approval of Prescriptions
140.443	Filling of Prescriptions
140.444	Compounded Prescriptions
140.445	Prescription Items (Not Compounded)
140.446	Over-the-Counter Items
140.447	Reimbursement
140.448	Returned Pharmacy Items
140.449	Payment of Pharmacy Items
140.450	Record Requirements for Pharmacies
140.452	Mental Health Clinic Services
140.453	Definitions
140.454	Types of Mental Health Clinic Services
140.455	Payment for Mental Health Clinic Services
140.456	Hearings
140.460	Clinic Services
140.461	Clinic Participation Requirements
140.462	Covered Services in Clinics
140.463	Encounter Rate Clinics
140.464	Psychiatric Clinics (Hospital-based)
140.465	Speech and Hearing Clinics
140.466	Rural Health Clinics
140.467	Independent Clinics
140.469	Hospice
140.470	Home Health Services
140.471	Home Health Covered Services
140.472	Types of Home Health Services
140.473	Prior Approval for Home Health Services
140.474	Payment for Home Health Services



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## NOTICE OF PROPOSED AMENDMENTS

Section	
140.475	Medical Equipment, Supplies and Prosthetic Devices
140.476	Medical Equipment, Supplies and Prosthetic Devices for Which Payment Will Not Be Made
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140.478	Prior Approval for Medical Equipment, Supplies and Prosthetic Devices
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140.946	Negotiation Procedures (Recodified)
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140.950	Closing an ICARE Area (Recodified)
140.952	Administrative Review (Recodified)
140.954	Payments to Contracting Hospitals (Recodified)
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140.962 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)

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## TABLE A Medichuk Recommended Screening Procedures

## TABLE B Health Service Areas

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## TABLE D Schedule of Dental Procedures

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## TABLE I Staff Time and Allocation for Training Programs (Recodified)

## TABLE J HSA Grouping

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13).

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; recodified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended

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at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12306, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill.



## NOTICE OF PROPOSED AMENDMENTS

Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18596, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140. Table H and 140. Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147. Table A and 147. Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg.

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19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7025, effective April 24, 1989; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; emergency amendment at 13 Ill. Reg. 13473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 21, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency amendments at 14 Ill. Reg. 5865 effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

## SUPPART A: GENERAL PROVISIONS

Section 140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Infants Children Under Age One-year Six

## a) Individuals Under Age Eighteen (18)

- 1) Medical assistance shall be provided to individuals under the age of eighteen who do not qualify for AFDC under the definition of dependent child as defined in 89 Ill. Adm. Code



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Section 140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Infants Children Under Age One-Year Six (Cont'd)

101.20 and 112.60 through 112.64. However, such individuals must meet the eligibility requirements and other provisions of 89 Ill. Adm. Code 112.10, 112.20, Part 112. Subparts C and D, 112.303, 112.304 and 112.307 through 112.309.

2) If non-exempt countable income is equal to or less than the appropriate MANG (AFDC) standard the individual is eligible for payment of his/her allowable medical care costs.

3) Persons whose income exceeds the appropriate MANG (AFDC) standard are eligible for medical assistance each month incurred or paid medical care costs equals the amount of excess non-exempt income over the standard. When income exceeds the MANG (AFDC) standard, eligibility begins on the day in the month incurred or paid medical care costs equals excess monthly income. Eligibility ends on the last day of the same month.

b) Infants Children Under Age One-Year Six (6)

Medical assistance shall be provided to infants children under age one-year six (6) who do not qualify as mandatory categorically needy (Sections 1902(a)(10)(A)(i) and 1905(n) of the Social Security Act) and meet the eligibility requirements of 89 Ill. Adm. Code 120.11, 120.31, 120.64.

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.461 Clinic Participation Requirements

a) Encounter Rate Clinics

1) Encounter rate clinics must be presently participating in the Medical Assistance Program- individual practitioners associated with such

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

Section 140.461 Clinic Participation Requirements (Cont'd.)

centers may apply for participation in the Medical Assistance Program in their individual capacities- federally qualified health centers which:

A) receive a grant under Section 329, 330 or 340 of the Public Health Service Act; or

B) based on the recommendation of the Health Resources and Services Administration within the Public Health Service, are determined to meet the requirements for receiving such a grant.

C) based on the recommendation of the Illinois Department of Public Health, are determined to meet the requirements for receiving such a grant.

2) Individual practitioners associated with such centers may apply for participation in the Medical Assistance Program in their individual capacities.

b) Psychiatric Clinics

Psychiatric clinics must have the appropriate facilities and qualified professional staff to meet the recipient's needs in the specialized care they have been established to provide.

e) Speech and hearing clinics must have the appropriate facilities and qualified professional staff to meet the recipient's needs in the specialized care- they have been established to provide.

d) Rural Health Clinics

Rural health clinics must be certified by SSA as meeting the requirements for Medicare participation.

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 140.462 Covered Services in Clinics

- a) Payment shall be made to clinics for the following types of services when provided by, or under the direction of, a physician:
- 1) Hospital-clinics-and-encounter-rate-clinics;
  - 2) Medical-services-which-provide-for-the-continuing health-care-needs-of-persons-who-elect-to-use this-type-of-service.

a) Encounter rate clinic services, when delivered in a clinic setting as described in 42 CFR 440.90 (1988):

- 1) Physician's services, including required physician-supervised services of nurse practitioners and physician assistants.
- 2) Medically-necessary services and supplies furnished as an incident to a physician's professional services, including:

- A) medical case management;
- B) laboratory services;
- C) occupational therapy;
- D) patient transportation;
- E) pharmacy services;
- F) physical therapy;
- G) podiatric services;
- H) psychological services;
- I) services required to be provided by Section 329, 330 or 340 of the Public Health Service Act;
- J) speech and hearing services; and
- K) x-ray services.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 140.462 Covered Services in Clinics (Cont'd.)

- 2b) Psychiatric clinics:
- A) Control of medication;
  - B) Individual therapy;
  - C) Family therapy;
  - D) Group therapy;
  - E) Counseling;

- F) Electric shock treatment;
- G) Diagnostic evaluation.

- 3) Speech-and-hearing-clinics:
- A) Speech-evaluation;
  - B) Speech-therapy;
  - C) Hearing-evaluation;
  - D) Audiologists-services

- 4) Rural health clinics:
- A) Physician's services, including required physician-supervisory physician-supervised services of nurse practitioners and physician assistants.
  - B) Medically-necessary services and supplies furnished as an incident to a physician's professional services.

- B) If-payments-made-under-the-approved-rate-exceed-the hospital's-allowable-costs-as-determined-by-an-audit of-hospital's-cost-report-the-excess-shall-be refunded-to-the-Department.

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 140.463 Encounter Rate Clinics Clinic Payment



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

Section 140.463 Encounter Rate ~~Eligible~~ Clinic Payment  
(Cont'd)Payment shall be made at the lesser of:

- a) The eligible approved all-inclusive-interim-per encounter rate as of May 1, 1981, of \$50.00-per-encounter.
- b)

- a) Payment for encounter clinic services rendered after March 31, 1990 shall be made at an individual, all-inclusive, prospective per diem rate calculated on the basis of the Department's encounter rate methodology and audited provider fiscal information reported on forms specified by the Department and reflecting the actual costs of delivering encounter services listed in Section 140.462 (a)(2) of this Part.

- b) Until the Department's encounter rate methodology is developed, interim payment for covered clinic services rendered by encounter rate clinics enrolled as of March 31, 1990, shall be made at the individual provider's encounter clinic rate in effect on March 31, 1990, as established by the Department.

- c) Until the Department's encounter rate methodology is developed, interim payment for covered clinic services rendered by encounter rate clinics enrolled after March 31, 1990, shall be made at the higher of:

- 1) the provider's approved Medicare rate established by the designated Medicare intermediary for Rural Health Center and Federally Funded Health Center services; or
- 2) the 75th percentile of the statewide range of the Department's encounter rates as of March 31, 1990.

- d) Payment shall be made at the interim encounter rate for covered clinic services rendered within 90 days of the later of:

- 1) the certified mail date of provider receipt of the Department's cost reporting forms, or
- 2) the date of provider enrollment.
- e) When an individual cost-based rate has been

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

Section 140.463 Encounter Rate ~~Eligible~~ Clinic Payment  
(Cont'd)

established by the Department in accordance with the method described in subsection (a), the Department shall reconcile interim payments made for covered clinic services.

- 1) If the cost-based rate is higher than the interim rate, the Department shall pay the provider the rate differential for each encounter claim paid at the interim rate.

- 2) If the cost-based rate is lower than the interim rate, the provider shall refund to the Department the rate differential for each encounter claim paid at the interim rate, either by direct payment to the Department or as a credit applied against future encounter service claims.

- f) If the provider has not submitted the required audited fiscal information on forms specified by the Department within the time period specified in subsection (d), the Department shall suspend payment for covered clinic services until the required information has been received by the Department.

- g) The Department will not process a claim for payment of encounter clinic services rendered after June 30, 1990, that does not indicate all individual medical services delivered during the encounter, by procedure code.

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS1) Heading of the Part:

Immunizations

2) Code Citation: 77 Ill. Adm. Code 6953) Section Numbers:

695.10

Proposed Action:

Amendments

4) Statutory Authority:

AN ACT in relation to the prevention of certain communicable diseases  
Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 22.11 et seq.  
The School Code  
Ill. Rev. Stat. 1987, ch. 122, par. 27-8.1 et seq.

5) A Complete Description of the Subjects and Issues Involved:

These proposed amendments modify the existing requirement that children receive a single vaccination with the live measles virus vaccine at fifteen months or older to require two vaccinations with the first being at least 12 months of age and the second no less than a month later. In addition, these emergency rules specify that a student entering the fifth grade for the first time after July 1990 must show proof of immunization with 2 doses of vaccine. The first dose must be at least 12 months and the second no less than a month later.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?Yes X No    7) Does this Rulemaking Contain an Automatic Repeal Date? Yes     No XIf "yes," please specify the date:           8) Does this Rulemaking Contain Any Incorporations By Reference?Yes     No XIf "yes," please specify type: 6.02(a)     or 6.02(b)    9) Are there any other Proposed Amendments Pending on this Part?Yes     No X

If Yes:

Section NumbersProposed ActionIll. Reg. CitationDEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS10) Statement of Statewide Policy Objectives:

This rulemaking should neither expand or contract a State mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Mr. Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12. Initial Regulatory Flexibility Analysis:A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

March 29, 1990

B) Type of Small Businesses Affected:

Schools and health care providers.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

An additional date must be reported.

D) Types of Professional Skills Necessary for Compliance:

None.

The Proposed Amendments are identical to the text of the Emergency Amendments which appear on page 5884 of this issue of the Illinois Register.



## ILLINOIS RACING BOARD

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED RULES

## NOTICE OF PROPOSED RULES

1) The Heading of the Part: Double Trifecta Wagering Pool

2) Code Citation: 11 Ill. Adm. Code 439

3) Section Numbers:

439.10	<u>Proposed Action:</u>
439.20	New Section
439.30	New Section
439.40	New Section
439.50	New Section
439.60	New Section
439.70	New Section
439.80	New Section
439.90	New Section
439.100	New Section
439.110	New Section
439.120	New Section
439.130	New Section

4) Statutory Authority: Ill. Rev. Stat. 1987, ch.8, pars. 37-9(a),(N)

5) A Complete Description of the Subjects and Issues Involved: This rulemaking establishes the guidelines for the operation of a new wagering pool whereby the patron must pick the top 3 finishers in 2 designated races. The rulemaking provides for a carryover pool and contains provisions for a mandatory distribution.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date?  
Yes ☐ No ☒

8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No.

9) Are there any other proposed amendments pending this Part? No.

10) Statement of Statewide Policy Objectives: Not applicable.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit written comments concerning this rulemaking. All comments must be submitted in writing and should be addressed to:

Robert M. Podlasek  
Board Counsel  
State of Illinois Center  
Illinois Racing Board  
Suite 11-100  
Chicago, Illinois 60601  
(312) 917-2600

The Illinois Racing Board will consider all written comment it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: August 4, 1989

B) Types of small businesses affected: No small businesses are affected.

C) Reporting, bookkeeping or other procedures required for compliance: Same as currently.

D) Types of professional skills necessary for compliance: Same as currently.

The full text of the Proposed Rule(s) begins on the next page:



## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED RULES

## TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

## SUBTITLE B: HORSE RACING

## CHAPTER I: ILLINOIS RACING BOARD

## SUBCHAPTER b: GENERAL RULES

## PART 439

## DOUBLE TRIFECTA WAGERING POOL

## Section

- 439.10 Definition
- 439.20 Separate Pool
- 439.30 Entries and Fields Prohibited
- 439.40 Dead Heats
- 439.50 Pool Calculations
- 439.60 Mandatory Distribution
- 439.70 One Or Two Races Cancelled
- 439.80 Refunds
- 439.90 Sale of Tickets
- 439.100 Name and Notice
- 439.110 Only One Double Trifecta Per Program
- 439.120 Disclosure
- 439.130 Conflict

AUTHORITY: Implementing and authorized by Sections 9(a), (n) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1987, ch.8, pars. 37-9(a), (n)).

SOURCE: Adopted at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 439.10 Definition

A double trifecta wager combines three horses in each of two races, selecting the horses that will finish first, second and third in each race, in the official order of finish on a single ticket.

## Section 439.20 Separate Pool

All double trifecta wagers will be calculated in an entirely separate pool.

## Section 439.30 Entries and Fields Prohibited

Entries and fields are prohibited in double trifecta races.

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## Section 439.40 Dead Heats

- a) In the case of a dead heat for first, the winning combinations shall include the first two horses as finishing in either the first or second position and the horse finishing third in each of the double trifecta races.
- b) In case of a dead heat to place, the winning combinations shall be the horse finishing first and the two horses finishing in a dead heat for place, as finishing in either the second or third position in each of the double trifecta races.
- c) In case of a dead heat for third, the winning combinations shall be the horse finishing first, the horse second, and the two horses finishing in either the third or fourth positions in each of the double trifecta races.

In all instances of dead heats, the winning combinations shall be paid equally.

## Section 439.50 Pool Calculations

- a) The net amount in the double trifecta pool shall be distributed equally to the holders of pari-mutuel tickets which correctly designate the official winners of the double trifecta races.
- b) If no ticket is sold that would require distribution of the double trifecta pool to a winner under this directive, then the net pool shall be carried forward as the carry-over and shall be added to the net pool on the next double trifecta wager.

## Section 439.60 Mandatory Distribution

At the last program of a meeting or the last program during consecutive race meetings of the same type of racing at the same race track, a mandatory distribution shall be declared by the organization licensee and shall be advertised to the public. When a mandatory distribution is required, all of the jackpot shall be distributed even if no ticket combines the exact winning combination. In this case, the winning tickets shall be those combining the most finishers in the winning combination. For example, if the exact



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NOTICE OF PROPOSED RULES

winning combination is 1-2-3/1-2-3 but no such combination is sold, the winners shall be of any 5 of the 6, etc. If neither leg is contested the pool shall be distributed equally to all double trifecta tickets for that day. The general manager with the consent of Executive Director shall have the power to order a mandatory distribution prior to the last racing day of the race meeting whenever he/she determines that to do so is in the best interest of the public.

Section 439.70 One or Two Races Cancelled

If one or both double trifecta races are cancelled, all double trifecta tickets for that program shall be refunded and the double trifecta cancelled. The accumulated carry-over pool shall be carried over to the next racing day. This section shall not apply in the case of a mandatory distribution.

Section 439.80 Refunds

a) If any horse or horses entered in any of the double trifecta races are scratched, or excused by the stewards, before the first race of the double trifecta is run, all wagers including such horse or horses may be deducted from the double trifecta pool and the money refunded to the purchaser or purchasers. Any ticket not refunded by post time of the first double trifecta race shall be placed in the consolation pool as set forth in section 439.80(b).

b) After the first race of the double trifecta races has been run, if any horse or horses are scratched, excused by the stewards, or prevented from racing because of the failure of the stall doors of the starting gate to open or which is otherwise determined to be a non-starter in the race for which selected, the value of that ticket shall be withdrawn from the double trifecta pool. The total net value of all such withdrawn tickets shall be distributed equally as a consolation among holders of withdrawn double trifecta tickets which have the next higher total of winning and scratched selections, including at least one winner. However, if such ticket is entitled to participate in the mandatory distribution double trifecta pool outlined above, it will not be withdrawn from that pool. If there are no consolation winners, the net double trifecta pool is not affected.

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Section 439.90 Sale of Tickets

No double trifecta ticket shall be sold, exchanged, or cancelled after the close of wagering on the first of the double trifecta races. The double trifecta will be subject to the board's conditions for trifecta races.

Section 439.100 Name and Notice

The organization licensee may give a different name to the double trifecta form of wagering but shall notify the board of such choice of names. Each of the double trifecta races shall be clearly designated in the program. Double trifecta tickets shall be clearly marked to indicate the type of wager.

Section 439.110 Only One Double Trifecta Per Program

An organization licensee may offer only one double trifecta wager per racing program.

Section 439.120 Disclosure

No person shall disclose the number of double trifecta tickets sold or the number or amount of tickets selecting winners of the double trifecta races prior to the time the stewards have determined the last race comprising the double trifecta each day to be official.

Section 439.130 Conflict

All trifecta rules apply and in the event of conflict the trifecta rules shall control.



## COMPTROLLER

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Contract Content
- 2) Code Citation: 74 Ill. Adm. Code 290
- 3) Section Number:

290.1203	Amendment	Adopted Action:
290.1204	Amendment	
290.1205	Amendment	
290.1206	Amendment	
290.1207	Amendment	
290.1209	Amendment	
290.1210	Amendment	
290.1211	Amendment	
Appendix A	Amendment	
Appendix B	Amendment	
- 4) Statutory authority: Ill. Rev. Stat. 1987, ch. 15, par. 214; Ill. Rev. Stat. 1987, ch. 15, par. 221.
- 5) Effective Date of Amendments: April 5, 1990
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Do these amendments contain incorporations by reference? No.
- 8) Date filed in Agency's Principal Office: April 5, 1990
- 9) Notice of Proposal Published in Illinois Register: December 1, 1989, 13 Ill. Reg. 18649.
- 10) Has JCAR issued a Statement of Objections to these amendments? No.
- 11) Differences between proposal and final version:  
The following modifications have been made in response to the Administrative Code Division's recommendations:
  - a. On the notice page, required question number 3, the first letters of "numbers" and "action" have been capitalized.
  - b. In Section 290.1203(a), in line 3, par. 201 et seq. has been changed to "pars. 211 and 215".

In subsection (a)(2) of the Section, in line 2, after "Code", the full statutory citation has been added.

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## NOTICE OF ADOPTED AMENDMENTS

- In subsection (a)(2) of this Section, in line 2, after Code, the full statutory citation has been added.
- In subsection (d), in lines 4, 8, and 9, the quotation marks have been deleted. Also, in line 9 the statutory citation has been deleted.
- In subsection (j), following the statutory language, the Section and title of the Act being referenced has been added.
- In subsection (d), in line 7, "1987" has been changed to "1988 Supp." Also, "pars. 33E3 or 33E4" have been added after "ch. 38".
- In subsection (1), in line 4, "Public Act 85-827" has been changed to "Section 30-15.2 of the School Code", and "1987" changed to "1988 Supp."
- In subsection (1), in lines 8 and 9, the reference indicated has been replaced with "Section 30-15.2 of the School Code". Also, in line 12, the statutory citation has been deleted.
- In Section 1204 (b)(11), in line 2, a period was added after "290".
- In subsection (d) of this Section, in line 1, the term "An Act" has been placed in all upper case letters. Also, in lines 2 and 3, the referenced phrase has been deleted, and, in line 4, "1987" has been replaced by "1988 Supp." and the comma after "1301" has been deleted.
- In Section 290.1205 (b)(6), in line 7, the statutory reference has been updated. Also, in line 20, immediately following the statutory language is provided the Section and title of the Act from which it comes.
- In subsection (b)(13), in line 2, a period had been added following "290". Also, in the Note which immediately follows subsection (b)(17) "NOTE" has been changed to "AGENCY NOTE", the text has been placed at the same indent level, and, in lines 4 and 5, the statutory citation has been deleted.
- In section 290.1207 (b)(11), in line 2, a period has been added after "290".



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- g. In Appendix A (1)(A), in line 4, "par. 1-101" has been changed to "par. 2-101".
- In subsection (e), in line 4, a period has been added after "290".
- h. In Appendix B (8), in lines 2 and 3, the quotation marks have been deleted.
- In subsection (12)(A), in lines 3 and 4, as well as subsection (15)(B), the statutory citation has been deleted.
- In subsection (17), in lines 2 and 3, "Public Act 85-827" has been changed to "Section 30-15.2 of the School Code", and the statutory citation has been deleted.

12)

Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13)

Will these amendments replace any emergency amendments currently in effect? No

14)

Are there any amendments pending on this Part? No.

15)

Summary and Purpose of Amendments: To implement Public Act 85-827, which prohibits a state agency from contracting with an individual for goods or services if that individual is in default of an educational loan; Public Act 85-1295, which creates criminal offenses of bid-rigging, bid rotating and kickbacks in regards to public contracts and prescribes a new certification that must be included in the content of all State contracts for goods, services, and construction; and Public Act 86-150, which amends the Article on Public Contracts previously added to the Criminal Code of 1961 by Public Act 85-1295.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Kirby VanZandt  
Office of the Comptroller  
201 State House  
Springfield, Illinois 62706  
(217) 782-6000

The full text of the Adopted Amendments begins on the next page:



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NOTICE OF ADOPTED AMENDMENT(S)

TITLE 74: PUBLIC FINANCE  
CHAPTER II: COMPTROLLER

PART 290  
CONTRACT CONTENT

Section	Statutory Authority
290.1200	Application
290.1201	Classifications
290.1202	Requirements for all Contracts
290.1203	Contracts for Professional or Artistic Services
290.1204	Leases for Real Property
290.1205	Leases for Personal Property
290.1206	Construction Contracts
290.1207	Contracts with Governmental Agencies
290.1208	Purchase Orders and Similar Documents
290.1209	Renewals, Amendments or Cancellations
290.1210	Other Contracts
290.1211	Enforcement
290.1212	Enforcement
APPENDIX A	Suggested Provisions
APPENDIX B	Contract Format
APPENDIX C	Late Filing Affidavit
APPENDIX D	Professional or Artistic Services Affidavit

AUTHORITY: Implementing Section 14 and authorized by Section 21 of the State Comptroller Act (Ill. Rev. Stat. 1987, ch. 15, pars. 214 and 221).

SOURCE: Adopted at 5 Ill. Reg. 6281, effective July 1, 1981; codified at 5 Ill. Reg. 10598; amended at 6 Ill. Reg. 5941, effective April 30, 1982; amended at 7 Ill. Reg. 5419, effective April 13, 1983; amended at 9 Ill. Reg. 6702, effective April 30, 1985; amended at 12 Ill. Reg. 22395, effective December 20, 1988; amended at 14 Ill. Reg. 5757, effective April 5, 1990.

Section 290.1203 Requirements for all Contracts

- a) Agreements required to be filed with the Comptroller under Section 11 or Section 15 of the State Comptroller Act (Ill. Rev. Stat. 1987, ch. 15, pars. 211 and 215) must meet the criteria set forth in this Article. In general, a two party signed agreement must be filed for all expenditures exceeding \$5,000 in a fiscal year, except for:
  - 1) contracts paid from personal services, or
  - 2) contracts between the State and its employees to defer compensation pursuant to Article 24 of the Illinois Pension Code (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 24-101 et seq.).
- b) Certain exceptions are listed in CUSAS (Comptroller's Uniform Statewide Accounting System) Procedures 15.20.70 under type code 41 and Section 290.1209 of these rules. In addition, agreements where the State does not incur a financial liability are not required to be

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filed with the Comptroller under this Part.

c) Legibility: All documents filed must be legible.

d) Bribery Clause: Every contract executed by the State must contain a certification by the contractor that the contractor is not barred from being awarded a contract or subcontract under Section 10.1 of The Illinois Purchasing Act (Ill. Rev. Stat. 1987, ch. 127, par. 132.10-1). Suggested language for the certification is set forth below:

The vendor certifies that it is not barred from being awarded a contract or subcontract under Section 10.1 of The Illinois Purchasing Act.

e) Execution date: All contracts and leases must contain an execution date. An acceptable alternative is for the agency and the contractor to date their signature. The execution date of purchase orders and similar documents is the date on the document.

f) Filing Requirements:

1) Section 15 of the State Comptroller Act requires agencies to file contracts, leases or purchase orders within 15 days of execution. Cancellation or modifications to contracts, purchase orders, or leases are also subject to this time period.

2) The following rules will be applied in enforcing these filing requirements:

A) When the contract sets forth an execution date only, the 15 day period will be calculated from this date.

B) When the agency signature and the contractor's signature are dated, the 15 day time period will be calculated from the latest dated signature.

C) When the contract is signed by more than one person on behalf of the State, the period will be calculated from the latest dated signature.

3) Where a contract, purchase order or lease required to be filed by Section 15 of the State Comptroller Act has not been filed within 30 days of execution, the Comptroller will not honor vouchers for payment thereunder until the agency files with the Comptroller:

A) The contract, purchase order or lease; and

B) An original affidavit and one copy, signed by the chief executive officer of the agency, or his or her designee, setting forth an explanation of why such contract liability was not filed within 30 days of execution. The Comptroller will file the copy of the affidavit with the Auditor General.

C) A sample of the affidavit referenced in this Section is provided as Appendix C to this Part. Any affidavit substantially similar to that provided in Appendix C will be accepted by the Comptroller.

g) Maximum or Estimated Amount:

1) Except as is discussed below, all contracts should set forth either an estimated or maximum amount.

2) A maximum amount must be used where the amount of payment can be



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ascertained with reasonable certainty. The contract must be amended before more than the maximum amount may be paid pursuant to the agreement. Where it is not possible to ascertain the amount to be paid under the contract, an estimated amount should be used. In certain cases contracts are executed in order to provide for payment on an as needed basis, (for example, certain contracts for legal services). In these instances the contract need not contain a maximum or estimated amount.

- h) Agencies must obtain the Federal Taxpayer Identification Number and legal status disclosure certification of the contractor for all contracts, leases and purchase orders required to be filed by this Part.

- i) References in this Part to information deemed necessary by the Attorney General do not apply to universities.

- j) Advance Payment:

Where a State agency wishes to make advance payment for goods or services, the contract must include a provision for such advance payment. If the State agency determines it is not possible to execute a written contract, any payment voucher must so state. (Section 9.05 of "AN ACT in relation to State finance") (Ill. Rev. Stat. 1987, ch. 127, par. 145(f)).

- k) Bid-Rigging/Bid Rotating Certification: Each bid and any contract resulting from that bid for goods, services or construction between the State and a vendor other than a unit of State or local government shall contain a certification by the contractor that the contractor is not barred from contracting with any unit of State or local government as a result of a violation of either Section 33E-3 or 33E-4 of the Criminal Code of 1961 (Ill. Rev. Stat. 1988 Supp., ch. 38, pars. 33E3 or 33E4). Suggested language for the certification is set forth below:

The contractor certifies that it has not been barred from contracting with a unit of State or local government as a result of a violation of Section 33E-3 or 33E-4 of the Criminal Code of 1961 (Ill. Rev. Stat. 1988 Supp., ch. 38, pars. 33E3 or 33E4).

- l) Educational Loan Certification: All contracts, leases and purchase orders required to be filed by this Part shall include a statement certifying that the contractor is not in default on an educational loan as provided in Section 30-15.2 of the School Code (Ill. Rev. Stat. 1988 Supp., ch. 122, par. 30-15.12). Suggested language for the certification is set forth below:

The contractor certifies that it is not in default on an educational loan as provided in Section 30-15.2 of the School Code (Ill. Rev. Stat. 1988 Supp., ch. 122, par. 30-15.12).

(Source: Amended at 14 Ill. Reg. 5757, effective April 5, 1990)

Section 290.1204 Contracts for Professional or Artistic Services

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a) Definition

- 1) Professional or artistic services may be defined as services rendered by an individual or firm contractually hired by an agency because of their expertise in a given field. An essential element is trust in the ability and talent of the person performing the services. Contracts for manual skills are not included.

- 2) Examples of professional or artistic services are set forth in CUSAS (Comptroller's Uniform Statewide Accounting System) Procedure 15.20.70 type code 21.

b) Required Contents

In addition to complying with the requirements of Section 290.1203, contracts for professional or artistic services must contain:

- 1) Contractor's full name and address.
- 2) Agency name.
- 3) Reasonably detailed description of services to be rendered.
- 4) The contract term, where applicable.
- 5) The maximum or estimated amount to be paid, if applicable.
- 6) Payment rates, where applicable.
- 7) Signature of contractor and authorized agency representative.
- 8) Execution date. (See Section 290.1203(c)).
- 9) Bribery clause certification. (See Section 290.1203(b)).
- 10) Where the contract is for consultant services, as that term is defined in Section 9.04 of the Illinois Purchasing Act (Ill. Rev. Stat. 1987, ch. 127, par. 132.9d), the contract must state whether or not the services of a subcontractor will be utilized. If a subcontractor will be used, the contract must list the names and addresses of all subcontractors and the anticipated amount they will receive pursuant to the contract.

- 11) Federal Taxpayer Identification Number and legal status disclosure certification (See Section 290.1203(l)).

- 12) Educational loan certification (See Section 290.1203(l)).

- 13) Where a contract involving professional or artistic services has been bid, the bid-rigging/bid rotating certification (See Section 290.1203 (k)).

114) Such other provisions as may be specifically required by law.  
115) Any other information deemed necessary or advisable by the agency or the Attorney General.

- c) Requirement that contract be reduced to writing:

- 1) Section 11 of the State Comptroller Act requires the Comptroller to reject vouchers for payment of professional or artistic skills if the contract for such services involves expenditures of more than \$5,000 for a fiscal year, unless:
  - A) the contract has been reduced to writing before the services are performed, or
  - B) an affidavit described in this subsection is filed.

- 2) "Reduced to writing" is defined as signed by the contractor and an authorized representative of the State.
- 3) The time at which a contract is reduced to writing is delineated



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below:

- A) When the contract contains an execution date only, the contract will be regarded as being reduced to writing at that date.
- B)
- i) For contracts with dated signatures, when the contract is signed by the vendor and then by more than one authorized agency representative, it is reduced to writing at the earliest dated signature of an authorized representative of the agency.
- ii) An "authorized agency representative" means a person who has the authority to execute contracts on behalf of the agency.
- C) An agreement for professional or artistic services let for competitive bids will be considered reduced to writing upon the date of the notice of award. The agreed terms may be placed in a different format and later signed without violating Section 11 of the State Comptroller Act. A copy of the proposal and the notice of award shall be filed with the Comptroller.
- 4) In order to implement this requirement, all professional or artistic services contracts may contain a provision indicating that no payments will be made for services which are performed before the contract is signed by the contractor and an authorized representative of the State.
- 5) Suggested language is set forth below:
- This contract takes effect on (date) or when executed by the contractor and an authorized representative of the State, whichever is later. No services will be paid which are performed prior to execution.
- 6) This provision may be modified at the discretion of the agency.
- 7) Where a contract for professional or artistic skills in excess of \$5,000 was not reduced to writing before the services were performed, the Comptroller will not honor vouchers for payment for such services until the agency files with the Comptroller:
- A) a written contract covering the services; and
- B) An original affidavit and one copy, signed by the chief executive officer of the agency or his or her designee stating that the services for which payment is being made were agreed to prior to commencement of the services and setting forth an explanation of why the contract was not reduced to writing before the services commenced. The Comptroller will file the copy of the affidavit with the Auditor General.
- 8) A sample of the affidavit referenced in this subsection is provided as Appendix D to this Part. Any affidavit substantially similar to that provided in Appendix D will be accepted by the Comptroller.
- d) Contracts subject to "AN ACT to provide for representation and

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indemnification in certain civil lawsuits," (Ill. Rev. Stat. 1987 and 1988 SUPP., ch. 127, par. 1301 et seq.) must be approved by the Attorney General before being filed with the Comptroller. This requirement does not apply to universities. The 15 day filing requirement established by Section 15 of the State Comptroller Act shall run from the date of approval.

(Source: Amended at 14 Ill. Reg. 5757, effective April 5, 1990)

## Section 290.1205 Leases for Real Property

- a) Definition. This category includes all agreements for the rental of real property.
- b) In addition to complying with Section 290.1203, leases for real property must contain:
- 1) Lessor's name and address.
  - 2) Leasing agency's name.
  - 3) Description and location of property (address).
  - 4) Beginning and ending dates of lease.
  - 5) Monthly and annual rental amount, where applicable.
  - 6) Disclosure of identity of owners, trust beneficiaries, and shareholders entitled to receive more than 7 1/2% of the total distributable income of any corporation having an interest in such property, where required by Section 3.1 of "AN ACT to prevent fraudulent and corrupt practices in the making or accepting of official appointments and contracts by public officers" (Ill. Rev. Stat. 1987, ch. 102, par. 3.1). Suggested language is set forth below:

## AFFIDAVIT

The undersigned, being first duly sworn on oath states that he is (State Title) and that the names of all the beneficiaries of a certain title holding trust, established by a Trust Agreement dated \_\_\_\_\_, identified as Trust No. \_\_\_\_\_, known as \_\_\_\_\_ are:

(List beneficiaries)

The undersigned further states that the names of all shareholders entitled to receive more than 7 1/2% of the total distributable income of any corporation having an interest in the real property are:

(List shareholders)

(Notarization)

(Signature of Trustee)

However, if stock in a corporation is publicly traded and there is no individual having greater than a 7 1/2% interest, then a statement to that effect, subscribed to



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under oath by an officer of the corporation or its managing agent, will satisfy the disclosure statement requirement.

- 7) Subject to appropriation clause when the lease is for more than one fiscal year. Suggested language is set forth below:

Obligations of the State shall cease immediately without penalty or further payment being required if, in any fiscal year, the Illinois General Assembly or federal funding source fails to appropriate or otherwise make available funds for this lease.

- 8) The county in which the property is located.

9) Bribery clause certification. (See Section 290.1203(b)).

10) Execution date. (See Section 290.1203(c)).

- 11) The maximum or estimated amount to be paid, where applicable. (See Section 290.1203(e)).

12) Signature of lessor and authorized agency representative.

13) Federal Taxpayer Identification Number and legal status disclosure certification (See Section 290.1203(b)).

14) Education loan certification (See Section 290.1203(l)).

15) Such other provisions as may be specifically required by law.

16) Any other provisions deemed necessary or advisable by the agency, the Attorney General or, where applicable, the Department of Central Management Services.

(Source: Amended at 14 Ill. Reg. 5757, effective April 5, 1990)

### Section 290.1206 Leases for Personal Property (See Note at end of this Section)

- a) Definition. Included are agreements for the rental of personal property.

b) In addition to complying with the requirements of Section 290.1203, leases for personal property must contain:

- 1) Lessor's name and address.
- 2) Leasing Agency's name.
- 3) Beginning and ending dates of agreement.
- 4) Description of personal property (where applicable, serial numbers should be included).
- 5) Monthly and annual payment amounts, where applicable.
- 6) Where the agreement is for more than one fiscal year, a subject to appropriation clause.
- 7) Signature of lessor and authorized agency representative.
- 8) Maximum or estimated amount to be paid, where applicable. (See Section 290.1203(e)).

9) Execution date. (See Section 290.1203(c)).

10) Bribery clause certification. (See Section 290.1203(b)).

11) For multi-year agreements, the Governor's approval, where required by Section 35.7b, of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 35.7b).

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- 12) The maximum or estimated annual amount, where subject to calculation.

13) Federal Taxpayer Identification Number and legal status disclosure certification (See Section 290.1203(b)).

14) Bid-rigging/bid rotating certification, where applicable (See Section 290.1203(k)).

15) Educational loan certification (See Section 290.1203(l)).

16) Such other provisions as may be specifically required by law.

17) Any other information deemed necessary or advisable by the agency or the Attorney General.

AGENCY NOTE: These requirements also apply to multi-year lease, lease-purchase and installment purchase agreements for electronic data processing, telecommunications and duplicating equipment which are authorized by Section 5.1 of the Illinois Purchasing Act.

(Source: Amended at 14 Ill. Reg. 5757, effective April 5, 1990)

### Section 290.1207 Construction Contracts

a) This category includes contracts for permanent improvements, highway and waterway construction, and similar construction.

b) In addition to complying with Section 290.1203, construction contracts must contain:

- 1) Vendor name and address.
- 2) Agency name.
- 3) Description of services.
- 4) Location(s) where services are to be performed, where applicable.
- 5) Contract time.
- 6) Contract sum.
- 7) Payment schedule.
- 8) Bribery clause certification. (See Section 290.1203(b)).
- 9) Execution date. (See Section 290.1203(c)).
- 10) Signatures of contractors and authorized agency representative.
- 11) Federal Taxpayer Identification Number and legal status disclosure certification (See Section 290.1203(b)).
- 12) Bid-rigging/bid rotating certification, where applicable (See Section 290.1203(k)).
- 13) Educational loan certification (See Section 290.1203(l)).
- 14) Such other provisions as may be specifically required by law.
- 15) Any other information deemed necessary or advisable by the agency or the Attorney General.

(Source: Amended at 14 Ill. Reg. 5757, effective April 5, 1990)

### Section 290.1209 Purchase Orders and Similar Documents



## COMPTROLLER

## NOTICE OF ADOPTED AMENDMENT(S)

## a) Definition

- 1) This category is limited to documents involving the purchase of tangible personal property. Purchase orders as that term is here defined may be only used for payments from the electronic data processing, commodities, telecommunications, printing, equipment, operation of automotive equipment, or lump sum line items.
- 2) The fact that an agency labels a document a purchase order does not exempt it from meeting the criteria set forth in the applicable Sections 290.1204 through 290.1208, if the document pertains to a transaction that is generally evidenced by a contract or lease.

## b) Purchase orders must contain:

- 1) Vendor's name and address.
  - 2) Description of property (where applicable serial numbers should be included).
  - 3) Amount to be paid (in some cases a specification of unit prices is acceptable).
  - 4) Agency name.
  - 5) Execution date.
  - 6) Signature of authorized agency representative, where applicable.
  - 7) Bribery clause certification.
  - 8) Federal Taxpayer Identification Number and legal status disclosure certification (See Section 290.1203(k)) or Social-Security-Number.
  - 9) Bid-rigging/bid rotating certification, where applicable (See Section 290.1203(k)).
  - 10) Educational loan certification (See Section 290.1203(l)).
  - 911) Such other provisions as may be specifically required by law.
  - 1012) Any other information deemed necessary or advisable by the agency or the Attorney General.
- c) Comptroller Approval. The format of purchase orders must be approved by the Comptroller.

(Source: Amended at 14 Ill. Reg. 5757, effective April 5, 1990)

## Section 290.1210 Renewals, Amendments or Cancellations

- a) Renewals, amendments or cancellations must be signed two-party agreements, unless otherwise provided in the original contract. For example, if an existing contract is to be renewed for the next fiscal year, the renewal must be in writing and signed by both parties, unless the contract gives the State the right to renew unilaterally. All renewals, amendments or cancellations must be filed with the Comptroller.

- b) All individuals employed by the State who are authorized by the State to approve changes to public contracts must, before granting such approval, obtain a determination in writing by the chief executive officer or his designee, of the State agency on whose behalf the

## COMPTROLLER

## NOTICE OF ADOPTED AMENDMENT(S)

Contract was signed, that the circumstances said to necessitate the change in performance were not reasonably foreseeable at the time the contract was signed, were not within the contemplation of the contract as signed or are in the best interests of the unit of State or local government and authorized by law. Such written determination shall be preserved in such contract's permanent file maintained by the State agency which shall be open to the public for inspection. This provision shall only apply to change orders which authorize or necessitate an increase or decrease in either the cost of a public contract by \$10,000 or more or the time of completion by 30 days or more. For the purposes of this Section "public contract" means a contract for goods, services or construction with a vendor other than a unit of State or local government.

(Source: Amended at 14 Ill. Reg. 5757, effective April 5, 1990)

## Section 290.1211 Other Contracts

- a) Definition. This category includes contracts not listed above.
- b) In addition to complying with Section 290.1203, contracts must contain:

- 1) Vendor name and address.
- 2) Agency name.
- 3) Description of services.
- 4) The contract term, where applicable.
- 5) Location at which services are to be performed, where applicable. (See Section 290.1203(e)).
- 6) Maximum or estimated amount to be paid, where applicable.
- 7) Payment rates, where applicable (if terms are "current rates" then the rate schedule must be attached where feasible).
- 8) Signature of vendor and authorized agency representative.
- 9) Execution date. (See Section 290.1203(c)).
- 10) Bribery clause certification. (See Section 290.1203(b)).
- 11) Federal Taxpayer Identification Number and legal status disclosure certification (See Section 290.1203(k)).
- 12) Bid-rigging/bid rotating certification, where applicable (See Section 290.1203(k)).
- 13) Educational loan certification (See Section 290.1203(l)).
- 14) Such other provisions as may be specifically required by law.
- 15) Any other information deemed necessary or advisable by the agency or the Attorney General.

(Source: Amended at 14 Ill. Reg. 5757, effective April 5, 1990)



COMPTROLLER

## NOTICE OF ADOPTED AMENDMENT(S)

## Section 290 APPENDIX A Suggested Provisions

The provisions set forth below are suggested only. It is recommended that agencies review their contractual agreements to ascertain whether inclusion of any of the below listed provisions would be beneficial.

a)1- Termination

1)A- In many cases it is advisable to provide for termination after written notice. Suggested language is set forth below:

This contract may be terminated by either party upon \_\_\_\_\_ days written notice. Upon termination the \_\_\_\_\_

Vendor shall be paid for work satisfactorily completed prior to the date of termination.

2)B- The following alternative termination provision should be used where the final product to be produced is the principal object of the contract and the preliminary drafts or reports would be substantially useless:

This contract may be terminated by either party upon \_\_\_\_\_ days written notice. Upon termination the \_\_\_\_\_

Vendor shall be paid for useable work completed to the satisfaction of the State prior to the date of termination.

b)2- Work Product

In cases where the contractor will produce a written document it is advisable to specify that the work product is the property of the State. Suggested language is set forth below:

All documents including reports and all other work products produced by the Vendor under this Contract, shall become and remain the property of the State.

c)3- Travel Expenses

Where applicable the following provision may be used for travel expenses:

The vendor shall be reimbursed for necessary travel expenses incurred in fulfilling his obligations under this contract. Such expenses shall be reimbursed at the rates and for the purposes applicable to employees of the Department.

d)4- Unlawful Discrimination

1) Suggested language for unlawful discrimination provisions is set forth below:

A) Vendor agrees not to commit unlawful discrimination in employment in Illinois as that term is used in Article 2 of the Illinois Human Rights Act (Ill. Rev. Stat. 1987, ch. 68, par. 1-101 et seq.) and further agrees to take affirmative action to ensure that no unlawful discrimination is committed.

B) Vendor agrees to comply with "An Act to prohibit discrimination and intimidation on account of race, creed, color, sex, religion, physical or mental handicap unrelated to ability, or national origin in employment under contracts for public buildings or public works", (Ill. Rev. Stat. 1987

COMPTROLLER

## NOTICE OF ADOPTED AMENDMENT(S)

ch. 29, par. 17 et seq.). The provisions of this Act are made a part of this contract by reference as though set forth in full herein.

2) Where the contract is wholly or partially funded with federal financial assistance, the following provision may also be included:

Vendor agrees that, if it receives funds which are wholly or partially allotted to the State of Illinois, Department (or division, office, bureau, district) of \_\_\_\_\_, from Federal financial assistance, it shall comply with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794). The provisions of that Section are made a part of this contract by reference as though set forth in full herein.

e) Federal Taxpayer Identification Number (TIN): Agencies are required by the Internal Revenue Service to provide the following instructions to vendors for use in completing the certification provided in Section 290, Appendix B (16):

Enter your taxpayer identification number in the appropriate space. For individuals and sole proprietors, this is your social security number. For other entities, it is your employer identification number. Federal Employer Identification Numbers (FEINs) must not be used for sole proprietorships.

If you do not have a TIN, apply for one immediately. To apply, get Form SS-5, Application for a Social Security Number Card (for individuals) from your local office of the Social Security Administration, or Form SS-4, Application for Employer Identification Number (for businesses and all other entities), from your local Internal Revenue Service office.

To complete the certification if you do not have a TIN, fill out the certification indicating that a TIN has been applied for, sign and date the form, and return it to this agency. As soon as you receive your TIN, fill out another such form including your TIN, sign and date the form, and give it to this agency.

If you fail to furnish your correct TIN to this agency, you are subject to an IRS penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

WILLFULLY FALSIFYING CERTIFICATIONS OR AFFIRMATIONS MAY SUBJECT YOU TO CRIMINAL PENALTIES INCLUDING FINES AND/OR IMPRISONMENT.

(Source: Amended at 14 Ill. Reg. 5757, effective April 5, 1990)



NOTICE OF ADOPTED AMENDMENT(S)

Section 290.APPENDIX B Contract Format

A sample contract format is set forth below. This is for purposes of illustration only.

STATE OF ILLINOIS  
DEPARTMENT OF CONTRACT

This contract, made and entered by and between the State of Illinois, Department of (Division, Office, Bureau, District), and (Vendor) of (Address) hereinafter called "Vendor".

(1) Services: The Vendor agrees to provide: (Here describe goods or services and locationat which to provide).

(2) Compensation: The State will pay the Vendor as follows:

A. For lump sum payment: \$ will be paid to the Vendor upon final acceptance of the above stated goods or services by the State.

B. At the rate of \$ per (hour, day, month or other unit).

(3) Expenses: (Where applicable)  
The Vendor shall be reimbursed for necessary travel expenses incurred in fulfilling obligations under this contract. Such expenses shall be reimbursed at the rates and for the purposes applicable to employees of the Department. Total travel expenses shall not exceed \$ .

(4) Contract Amount: (Where applicable)  
The maximum amount payable under this contract is \$ .

or

The estimated amount payable under this contract is \$ .  
(5) Billing: The Vendor shall (monthly, after completion of services) submit a bill for services rendered. Bills shall include detailed information as to the services performed and any expenses billed shall be itemized in accordance with applicable State Regulations.

(6) Term: The term of this contract shall be for the period commencing 19 , 19 , and shall terminate on ,

(General Provisions)

(7) Appropriation: Obligations of the State will cease immediately without penalty of further payment being required if in any fiscal year the Illinois General Assembly or Federal funding source fails to appropriate or otherwise make available sufficient funds for this agreement.

(8) Certification: The Vendor certifies that it is not barred from being awarded a contract or subcontract under Section 10.1 of The Illinois Purchasing

NOTICE OF ADOPTED AMENDMENT(S)

Act (Ill. Rev. Stat. 1987, ch. 127, par. 132.10-1).

(9) Termination: This contract may be terminated by either party upon days written notice. Upon termination the Vendor shall be paid for work satisfactorily completed prior to the date of termination.

(10) Work Product: All documents, including reports and all other work products produced by the Vendor under this contract, shall become and remain the property of the State.

(11) Laws of Illinois: This contract shall be governed in all respects by the laws of the State of Illinois.

(12) Unlawful Discrimination:

A. Vendor agrees not to commit unlawful discrimination in employment in Illinois as that term is used in Article 2 of the Illinois Human Rights Act (Ill. Rev. Stat. 1987 ch. 68, par. 1-101 et seq.) and further agrees to take affirmative action to ensure that no unlawful discrimination is committed.

B. Vendor agrees to comply with "An Act to prohibit discrimination and intimidation on account of race, creed, color, sex, religion, physical or mental handicap unrelated to ability, or national origin in employment under contracts for public buildings or public works", (Ill. Rev. Stat. 1987 ch. 29, par. 17 et seq.). The provisions of this Act are made a part of this contract by reference as though set forth in full herein.

(13) Subcontractor Disclosure: (Consultant Services Only) Vendors will not utilize the services of a subcontractor to fulfill obligations under this contract, (or list of subcontractors and amount of payment to each subcontractor).

(14) Conflict of Interest: Vendor agrees to comply with the provisions of the Illinois Purchasing Act prohibiting conflict of interest (Ill. Rev. Stat. 1987, ch. 127, pars. 132.11-1 through 132.11-5) and all the terms, conditions and provisions of those Sections apply to this contract and are made a part of this contract the same as though they were incorporated and included herein.

(15) Bid-rigging/bid rotating certification: The contractor certifies that it has not been barred from contracting with a unit of State or local government as a result of a violation of Section 33E-3 or 33E-4 of the Criminal Code of 1961 (Ill. Rev. Stat. 1988 SUPP., ch. 38, pars. 33E3 or 33E4).

(16) Federal Taxpayer Identification Number and legal status disclosure certification:

Under penalties of perjury, I certify that correct Federal Taxpayer Identification Number. I am doing business as a (please check one):

- |                            |                         |
|----------------------------|-------------------------|
| Individual                 | Real Estate Agent       |
| Sole Proprietorship        | Government Entity       |
| Partnership                | Tax Exempt Organization |
| Corporation                | (IRC 501(a) only)       |
| Not-for-profit Corporation | Trust or Estate         |
| Medical and Health Care    |                         |



## COMPTROLLER

## NOTICE OF ADOPTED AMENDMENT(S)

## Services Provider Corporation

Signed \_\_\_\_\_

Date \_\_\_\_\_

(17) Educational Loan Certification: The contractor certifies that it is not in default on an educational loan as provided in Section 30-15.12 of the School Code.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed by their duly authorized representatives.

## VENDOR

By: \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

FBIIN-No: \_\_\_\_\_

Date: \_\_\_\_\_

State of Illinois

Department of \_\_\_\_\_

By: \_\_\_\_\_

Date: \_\_\_\_\_

(An alternative to dating signatures is to use the clause set forth below)

IN WITNESS WHEREOF, the parties have caused this contract to be executed by their duly authorized representatives this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Source: Amended at 14 Ill. Reg. 5757, effective April 5, 1990)

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: State Remedial Action Priorities List

2) Code Citation: 35 Ill. Adm. Code 860

3) Section Numbers: Adopted Action:

860.210 Amended

4) Statutory Authority: Sections 4 and 22.2(d) of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1004 and 1022.2(d)).

5) Effective Date of Amendments: April 9, 1990

6) Does this rulemaking contain an automatic repeal date? No

7) Does this adopted amendment contain incorporations by reference? No

8) Date filed in Agency's Principal Office: March 27, 1990

9) Notice of Proposal Published in ILLINOIS REGISTER: October 20, 1989, 13 Ill. Reg. 16252

10) Has JCAR issued a Statement of Objection to these rules? No

11) Differences between proposal and final version:

A) Six sites originally proposed for inclusion in "Group 4" (A.A. Waste Oil, Rock Island; Champaign Muni; Urbana; Hannah Marine, Lemont; Inspiration Hines, Galena; John Deere Foundry, East Moline; and U.S. Scrap, Chicago) have been removed from the list. The spaces between the Title, Subtitle and Chapter Heading on the table of contents page were deleted. In the Authority Note on the table of contents page, an "s" was added to the first "Section" and the second "Section" was deleted, and "1983" was amended to read "1987". Within "Group 1," the spelling of "Steagal" was corrected to "Steagall," and within "Group 3" a hyphen was placed between "Smith" and "Douglas" and the spelling of "Douglas" was corrected to "Douglass".

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the Agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this part? No.

15) Summary and Purpose of Amendments? These amendments update the State Remedial Action Priorities List to guide future Agency action.



## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED AMENDMENTS

## 16) Information and Questions Regarding this Adopted Rule Amendment shall be Directed to:

Name: Mark V. Gurnik  
Address: Enforcement Programs Division  
Illinois Environmental Protection Agency  
2200 Churchill Road  
Post Office Box 19276  
Springfield, Illinois 62794-9276  
Telephone: 217/782-5544

The Full Text of the Adopted Rule Amendments Begin on the next page:

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED AMENDMENT(S)

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE G: WASTE DISPOSAL  
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

## PART 860

## STATE REMEDIAL ACTION PRIORITIES LIST

## SUBPART A: GENERAL

Section	Purpose
860.100	Application
860.110	Definitions
860.120	Publication of the State Remedial Action Priorities List
860.130	

## SUBPART B: LISTING OF SITES

Section	Basis for Listing Sites on the State Remedial Action Priorities List
860.200	State Remedial Action Priorities List
860.210	Determining Priorities for Remedial Action Among Sites Listed on the State Remedial Action Priorities List
860.220	

## SUBPART C: DELETION OF SITES

Section	Basis for Deleting Sites from the State Remedial Action Priorities List
860.300	

AUTHORITY: Implementing and authorized by Sections 4 and 22.2(d) of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1004 and 1022.2(d)) and 35 Ill. Adm. Code 750.440(d).

SOURCE: Adopted at 9 Ill. Reg. 12276, effective July 24, 1985; amended at 10 Ill. Reg. 4226, effective February 26, 1986; amended at 11 Ill. Reg. 12232, effective July 9, 1987; amended at 12 Ill. Reg. 16074, effective September 23, 1988; amended at 14 Ill. Reg. 5776, effective April 9, 1990.

## SUBPART B: LISTING OF SITES

## Section 860.210 State Remedial Action Priorities List

## GROUP 1

Site Name	City	County
Brockman No. 1	Ottawa	LaSalle



## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED AMENDMENT(S)

Koppers Co. Carbondale Jackson  
Hopkins Chemical Co. Atlanta Logan  
Modern Plating Freeport Stephenson  
St. Louis Army Supply Center Granite City Madison  
Sauget Sites Cahokia/Sauget St. Clair  
H & L Landfill #1 Danville Vermillion  
Sherex Chemical Mapleton Peoria  
Carpentersville Waste Site Carpentersville Kane  
Thomas 12th Street Landfill Danville Vermillion  
Quincy Municipal Landfill #2 & #3 Quincy Adams  
Steagall Landfill Galesburg Knox

## GROUP 2

Site Name	City	County
-----------	------	--------

Prinks Industrial Waste Escast	Pecatonica	Winnebago
Stauffer Chemical	Adison	DuPage
Moss American	Chicago Heights	Cook
	Sauget	St. Clair

## GROUP 3

Site Name	City	County
-----------	------	--------

Behn Drum	Marengo	McHenry
Bennett Landfill	Rockdale	Will
C.L. Hale Septic Cleaning	Wilmington	Will
J.J. Schultz Containers	Lemont	Cook
Lanson Chemical Division	E. St. Louis	St. Clair
Morrison City Dump	Morrison	Whiteside
Sexton Hinsdale Landfill	Westchester	Cook
Smith - Douglass, Inc.	S. Streator	Livingston
South Central Terminal	Pana	Christian
Triem Steel & Processing	Chicago Heights	Cook

## GROUP 4

Site Name	City	County
-----------	------	--------

FMC Corp. Ag Chemicals	Wyoming	Stark
Hub Oil Company	Rochelle	Ogle
M.I.G. Investments	Belvidere	Boone

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED AMENDMENT(S)

Sand Park Loves Park Winnebago  
States Land Improvement #1 Ottawa LaSalle  
Stoney Park West Palos Hills Cook  
Waukegan Muni #2 Waukegan Lake  
Custom Can Crusher Deland Piatt

## REMEDIATED RELEASES GROUP

Site Name	City	County
-----------	------	--------

Taylorville Landfill	Taylorville	Christian
U.S. Drum	Chicago	Cook
Firestone Tire	Quincy	Adams

(AGENCY NOTE: The placement of a site in a particular "Group" in no way represents the order in which the Agency may undertake remedial action at the site in relation to other sites on the SRAPL. Remedial action has been undertaken at sites placed in the Remediated Releases Group; however, further remedial action may be necessary at such sites.)

(Source: Amended at 14 Ill. Reg. 5776, effective April 9, 1990)



## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances

2) Code citation: 41 Ill. Adm. Code 170

3) Section number: Adopted Action:

170.670

Amendments

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 127½, par. 154

5) Effective date: April 10, 1990

6) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒  
If "yes", please specify the date:

7) Do these adopted amendments contain incorporations by reference? Yes ☐  
If "yes", was a copy of the approval form issued by JCAR attached to this rulemaking? This incorporation is pursuant to Section 6.02(a). No JCAR certification needed.

8) Date filed in agency's principal office: April 10, 1990

9) Date the Notice of Proposed Amendments was published in the "Illinois Register": January 5, 1990

10) Has JCAR issued a Statement of Objection to this (these) rule(s)? No  
If answer is "yes", please complete the following:

A) Statement of Objection: \_\_\_\_\_, Ill. Reg. \_\_\_\_\_

B) Agency Response: \_\_\_\_\_, Ill. Reg. \_\_\_\_\_

C) Date Agency Response Submitted for Approval to JCAR: N/A

11) Difference(s) between proposal and final version:

A) Table of Contents 170.71 had "and Payment of Annual Fee" added

B) Table of Contents 170.670 had ", or Change of Occupancy" added

C) The Source had "amended March 6, 1963 and April 14, 1977" and "emergency amendment at 10 Ill. Reg. 345, effective January 1, 1986, for a maximum of 150 days" added

D) 170.73 was added to the Table of Contents

E) In Table of Contents 170.600, "of" was replaced with "or"

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

F) In subsection (a)(3) the misspelling of "buoyancy" was corrected

G) "Removal" was added to the title

H) In subsection (a), the reference to subsection "(d)" was changed to "(c)"

I) In subsection (a)(6) the reference to "NFPA 327" was replaced with "Section 4 of API Recommended Practice 1604"

J) Subsection (a)(2)(F) was added

K) In subsection (b), "NFPA 327" was replaced with "Sections 4.3 and 7 of API Recommended Practice 1604"

L) In subsection (d) the first sentence was deleted and the following was added: "The tank shall be filled with inert material such as sand, gravel, clay, bentonite or inert material mixed with portland cement to increase flowability. Inert foam material may be used upon written approval by the Office of the State Fire Marshal, if a sufficient amount of other inert material is used to counteract buoyancy of the tank. Filling a tank with ready mix concrete is prohibited."

M) Subsections (a)(2) through (6) were changed to (a)(2)(A) through (E)

N) Subsections (b)(c) and (d) were changed to (a)(3) and (b) and (c)

O) In subsection (a)(1)(A), the second sentence was added

P) In subsection (a)(2)(E), citations to 35 Ill. Adm. Code 807 and 809 were added

Q) In subsection (b) "upon request by the Office of the State Fire Marshal" was added; "may" was changed to "shall"; and the last sentence was deleted

12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace an emergency amendment currently in effect? No

14) Are there any other proposed amendments pending on this Part? No



## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Amendments: To make State Fire Marshal Underground Storage Tank Regulations at least as stringent as the Federal Regulations (40 CFR 280 and 281) which the State is implementing, in order to achieve Federal approval of the State's Underground Storage Tank Program.

16) Information and questions regarding these adopted amendments shall be directed to:

John S. Moore  
Director, Division of Petroleum and Chemical Safety  
Office of the State Fire Marshal  
1035 Stevenson Drive  
Springfield, IL 62703-4259

The full text of the adopted amendments begins on the next page:

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENT(S)

TITLE 41: FIRE PROTECTION  
CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

## PART 170

STORAGE, TRANSPORTATION, SALE AND USE OF  
PETROLEUM AND OTHER  
REGULATED SUBSTANCES

## SUBPART A: MISCELLANEOUS

Section	
170.10	Definitions
170.11	Incorporation of National Standards
170.15	Bulk Sales Prohibited
170.20	Storage Underground and Limited
170.30	Setting of Tanks (Repealed)
170.40	Clearance Required for Underground Tanks
170.41	Location
170.50	Material and Construction of Tanks
170.60	Venting of Tanks
170.65	Underground Tank Installations
170.70	Fill Pipes
170.71	Registration of Underground Storage Tanks and Payment of Annual Fee
170.72	Late Registration Fee
170.73	Access to the Underground Storage Tank Fund (Emergency Expired)
170.75	Abandonment of Underground Storage Tanks (Renumbered)
170.76	Leaking Underground Tanks
170.80	Unloading Operations
170.90	Pumps
170.91	Labeling of Containers and Pumps
170.100	Piping
170.105	Approval of Plans
170.106	Installer, Repairer or Remover of Underground Storage Tanks
170.107	Tester of Underground Storage Tanks and Cathodic Protection
170.108	Pressure Testing
170.110	Building
170.115	Safe Heat Required
170.120	No Flammable or Combustible Liquids Within Building - Exception
170.130	Greasing Pits
170.140	Wash and Greasing Rooms
170.145	Fire Extinguishers
170.150	Self-Service - No Self-Service Without Permit; Procedures and Regulations
170.160	Care and Attendance
170.170	Fire Extinguishers (Repealed)
170.180	Sale of Fireworks
170.190	Approval of Plans (Repealed)
170.200	Defective Equipment
170.210	Deliveries from Portable Tanks Restricted



## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENT(S)

170.310 Unattended Self-Service Other Than Fleet Operations

## SUBPART B: UNDERGROUND STORAGE TANKS -- TECHNICAL REQUIREMENTS

- 170.400 Definitions
- 170.410 Incorporations by Reference
- 170.420 Design, Construction, Installation and Notification of New UST Systems
- 170.430 Upgrading of Existing UST Systems
- 170.440 Notification Requirements
- 170.450 Spill and Overfill Control
- 170.460 Operation and Maintenance of Corrosion Protection
- 170.470 Compatibility
- 170.480 Repairs Allowed
- 170.490 Reporting and Recordkeeping
- 170.500 General Release Detection Requirements for All UST Systems
- 170.510 Release Detection Requirements for Petroleum UST Systems
- 170.520 Release Detection Requirements for Hazardous Substance UST Systems
- 170.530 Methods of Release Detection for Tanks
- 170.540 Methods of Release Detection for Piping
- 170.550 Release Detection Recordkeeping
- 170.560 Reporting of Suspected Releases
- 170.570 Investigation Due to Off-Site Impacts
- 170.580 Release Investigation and Confirmation Steps
- 170.590 Reporting and Cleanup of Spills and Overfills
- 170.600 Initial Response for UST Systems Containing Petroleum or Hazardous Substances
- 170.610 Initial Abatement Measures and Site Check
- 170.620 Temporary Closure of Out-of-Service UST Systems
- 170.630 Change-in-Service of UST Systems
- 170.640 Assessing the Site at Removal or Change-in-Service of UST Systems
- 170.650 Applicability to Previously Removed UST Systems
- 170.660 Removal or Change-in-Service Records
- 170.670 Abandonment of Underground Storage Tanks; or Change-of-Occupancy

## SUBPART C: UNDERGROUND STORAGE TANKS--FINANCIAL RESPONSIBILITY REQUIREMENTS

170.700 Incorporation by Reference

## TABLE A SCHEDULE FOR PHASE-IN OF RELEASE DETECTION

## TABLE B MANUAL TANK GAUGING: WEEKLY AND MONTHLY STANDARDS

AUTHORITY: Implementing and authorized by Section 2 of "AN ACT to regulate the storage, transportation, sale and use of gasoline and volatile oils" (Ill. Rev. Stat. 1987, ch. 127 1/2, par. 154)

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENT(S)

SOURCE: Rules and Regulations Relating to Service Stations filed July 10, 1958; amended March 6, 1963 and April 4, 1977; codified at 5 Ill. Reg. 10692; emergency amendment at 7 Ill. Reg. 1477, effective January 26, 1983, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 10058, effective June 29, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 9514, effective October 1, 1985; emergency amendment at 10 Ill. Reg. 345, effective January 1, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 12324, effective July 2, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 19976, effective January 5, 1987; amended at 12 Ill. Reg. 8023, effective April 26, 1988; emergency amendments at 13 Ill. Reg. 1886, effective January 27, 1989, for a maximum of 150 days; emergency expired June 26, 1989; amended at 13 Ill. Reg. 5669, effective April 21, 1989; amended at 13 Ill. Reg. 7744, effective May 9, 1989; amended at 13 Ill. Reg. 8515, effective May 23, 1989; amended at 13 Ill. Reg. 8875, effective May 24, 1989; amended at 14 Ill. Reg. 14992, effective September 11, 1989; amended at 14 Ill. Reg. 5781, effective April 10, 1990.

## SUBPART B: UNDERGROUND STORAGE TANKS -- TECHNICAL REQUIREMENTS

Section 170.670 Abandonment or Removal of Underground Storage Tanks

For the purposes of this Section, "abandonment" is defined as the relinquishing of the property to other uses or non-use for one year of non-use. However, if the owner of the property states that the property will be reused as a service station within a 12-month period, the facility will not be considered abandoned until the end of a 2-year period.

- a) Temporarily out-of-service tanks may be left in place up to one year provided that:
- 1) All products are removed;
  - 2) The tank is filled with a solution of water and inerting chemicals to reduce the oxygen content in the enclosed space to a concentration at which combustion cannot take place;
  - 3) All fill, gauge, suction or other lines, except vents, are capped.
- b) Permanent Abandonment (more than one year) -- Tanks abandoned for more than one year shall be removed from the site unless a waiver is granted pursuant to subsection (c) below. The process for such abandonment shall be:



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- 1) Remove all flammable or combustible liquids from tank and from connecting lines.
- 2) Disconnect piping at all tank openings.
- 3) Remove sections of connecting lines which are not to be used further, and cap or plug all tank openings.
- 4) Remove tanks from ground.
- 5) After removal, the tank may be gas freed (vapors from the combustible or flammable liquid from the tank are not present in a combustible or flammable liquid from the tank are not present in a concentration sufficient to support combustion) on the premises as required by NFPA 327 (1982) or may be transported to an area not accessible to the public and the gas freeing completed at that location.

## e) Disposal of Tanks

- 1) If a tank is to be disposed of as junk, it shall be retested for flammable vapors, and if necessary, rendered gas free (vapors from the combustible or flammable liquid from the tank are not present in a concentration sufficient to support combustion). After junking and before releasing to junk dealer, a sufficient number of holes or openings (at least 2% of the total surface area of the tank) should be made in it to render it unfit for further use. NFPA 327, (1982) "Standard Procedures for Cleaning or Safeguarding Small Tanks and Containers," provides information on safe procedures for such operation.

- 2) Notice of removal of abandoned tanks shall be given to the Office of the State Fire Marshal, Division of Fire Prevention in writing, at least one week prior to the removal, giving the location of the underground tank, the size of the tank, and any other information which would help identify which tank has been removed. If there is more than one tank underground at that location, if any emergency exists where life safety or ground water is threatened, verbal approval shall be given to remove a tank; however, a notice in writing must be received by this Office within one week after removal. Examples of such an emergency may include, but are not limited to, volatile gas accumulation and leaking tanks.

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- d) Abandoned tanks filled with sand or pea gravel prior to October 1, 1985, need not be removed; however, the owner(s) must provide documentation of fill material and date of fill. The documentation may be a receipt or a written statement from the contractor who did the fill, or a statement from the inspector who inspected the tank. Such documentation is due upon request by the Office.
- e) Waiver of the removal requirement for underground tanks shall be granted where it would be infeasible to remove the tank due to loss of adjacent and/or adjacent support of nearby structures, railroad tracks, streets as defined in Section 1-201 or the Illinois Vehicle Code (Ill. Rev. Stat. 1985, ch. 95-1/2, par. 1-201) or other tanks, the following criteria must be met:
  - 1) A complete drawing, or plan of the area must be provided and show the location of tanks, fill pipes, vent lines, sewers, streets, product lines and buildings.

- 2) A statement of need shall be provided, which includes but is not limited to facility name and location, number and size of tanks involved, and an explanation of why the waiver is requested.

The tanks shall be filled with inert material (not concrete) such as sand, soil, products (such as clay, gravel, and bentonite) or other materials specifically approved by the Office. The procedure for filling shall be in accordance with Sections 3-1 through 3-5, and 4-1 of the American Petroleum Institute's document entitled "Removal and Disposal of Used Underground Petroleum Storage Tanks", (API-1604) (1987). This incorporation by reference shall contain no later edition or amendments. This document is on file for public inspection at the Springfield and Chicago offices of the Office of the State Fire Marshal. Copies may be obtained from the American Petroleum Institute, 1220 L Street Northwest, Washington, D.C., 20005.

Where a tank is allowed to be abandoned in place due to loss of support of adjacent tanks, the tank(s) shall be removed when the support is no longer needed. This shall be when the tank needing support is abandoned.

- 5) When underground are abandoned in place, the owner of the tank shall keep a permanent record of the tank location, the date of abandonment, and the method of conditioning the tank for abandonment, and forward a copy of same to the Office.



## OFFICE OF THE STATE FIRE MARSHAL

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- 6) ~~Persons seeking a waiver shall provide all documentation required in this subsection to the Underground Storage Tank Coordinator of the Office of the State Fire Marshal. Only the State Fire Marshal or the Underground Storage Tank Coordinator shall grant such a waiver.~~

For the purposes of this Section, "abandonment" is defined as the relinquishing of an underground storage tank to non-use for 12 consecutive months. However, if during that one-year period, the owner of the underground storage tank submits in writing a statement to the Office of the State Fire Marshal, Division of Petroleum and Chemical Safety that the tank will be reused within the immediate subsequent 12-month period, the tank will not be considered abandoned until the end of the two-year period (commencing from the date of non-use) and will be considered "temporarily out of service", provided the required criteria in Section 170.620 are complied with.

- a) Underground storage tanks abandoned one year, shall be removed from the site within the immediate subsequent year unless a waiver is granted pursuant to subsection (c) below. The process for removal of any UST shall be:

## 1) Notification:

- A) Notice of removal of tanks shall be given to the Office of the State Fire Marshal, Division of Petroleum and Chemical Safety, in writing, at least 30 days prior to the removal, giving the location of the tank, the size of the tank and any other information which would help identify which tank is to be removed if there is more than one tank underground at that location, unless such action is in response to corrective action. In the event of a significant release, the Office of the State Fire Marshal shall waive the thirty day notice requirement. The required assessment of the excavation zone under Section 170.640 must be performed after notifying the Office of the State Fire Marshal but before completion of the removal.

- B) Notice of removal of tanks shall be given to the Office of the State Fire Marshal, Division of Petroleum and Chemical Safety, by telephone, no more than five days and at least before 12:00 p.m. three working days, prior to the date of removal.

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## 2) Removal:

- A) Remove all flammable or combustible liquid and all accumulated sludges from tank and from connecting lines:
- B) Disconnect piping at all tank openings:
- C) Remove all sections of connecting lines which are not to be used further, and cap or plug all tank openings:
- D) Remove tank from ground; and

E) After removal, the tank shall be gas freed (vapors from the combustible or flammable liquid from the tank are not present in a concentration sufficient to support combustion) on the premises in accordance with Section 4 of API Recommended Practice 1604, incorporated by reference in Section 170.410, or shall be transported, in compliance with Illinois Environmental Protection Agency regulations (including, 35 Ill. Adm. Code 807.210 or 807.310, or 809.201 or 809.301, as applicable) to an area not accessible to the public and the gas freeing completed at that location.

- F) In the event of a tank releasing or suspected of releasing a flammable or combustible liquid, the tank shall be gas freed (vapors from the combustible or flammable liquid from the tank are not present in a concentration sufficient to support combustion) in accordance with Section 4 of API Recommended Practice 1604, incorporated by reference in Section 170.410, prior to removal of the tank from the excavation zone.

## 3) Disposal of Tanks:

If a tank is to be disposed of as junk, it shall be retested for combustible or flammable vapors, and if necessary, rendered gas free (vapors from the combustible or flammable liquid from the tank are not present in a concentration sufficient to support combustion). After removal and before releasing to junk dealer, a sufficient number of holes or openings (at least two percent of the total surface area of the tank) shall be made in it to render it inoperative for further use as a UST. Sections 4.3 and 7 of API Recommended Practice 1604, incorporated by reference in Section 170.410, provide information on safe procedures for such an operation.



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- b) Abandoned tanks filled with sand or pea gravel prior to October 1, 1985, need not be removed; however, the owner(s) shall provide documentation of fill material and date of fill upon request by the Office of the State Fire Marshal. The documentation shall be a receipt or a written statement from the contractor who did the fill, a statement from the inspector who inspected the tank, or a written statement from anyone designated by the State Fire Marshal or the Director of the Division of Petroleum and Chemical Safety.
- c) Waiver of the removal requirement for a tank, allowing it to be abandoned in place, shall be granted where it would be infeasible to remove the tank due to loss of adjacent or subadjacent support of nearby structures, railroad tracks, streets as defined in Section 1-201 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-201) or other tanks. The following criteria shall be met:
- 1) A complete plan or diagram of the area shall be provided and show the location of tanks, fill pipes, vent lines, sewers, streets, product lines and buildings;
  - 2) A statement of need shall be provided, which includes but is not limited to facility name and location, number and size of tanks involved, and an explanation of why the waiver is requested;
  - 3) A certification shall be provided to the Office of the State Fire Marshal, Division of Petroleum and Chemical Safety that the subject tank is not currently leaking, nor has leaked in the past;
  - 4) The tank shall be filled with inert material such as sand, gravel, clay, bentonite or inert material mixed with portland cement to increase flowability. Inert foam material may be used upon written approval by the Office of the State Fire Marshal, if a sufficient amount of other inert material is used to counteract buoyancy of the tank. Filling a tank with ready mix concrete is prohibited. The procedure for filling shall be in accordance with Sections 3.1 through 3.5, and 4.1.1 of API Recommended Practice 1604, incorporated by reference in Section 170.410;
  - 5) Where a tank is allowed to be abandoned in place due to loss of support, as specified in this subsection, the tank shall be removed when the support is no longer needed -- this shall be when the object(s) needing support is no longer in need of support or has been removed;

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENT(S)

- 6) When a tank is abandoned in place, the owner of the tank shall keep a permanent record of the tank location, the date of abandonment and the method of conditioning the tank for abandonment, and forward a copy of such record to the Office of the State Fire Marshal, Division of Petroleum and Chemical Safety; and
- 7) Persons seeking a waiver shall provide all documentation required in this subsection to the Office of the State Fire Marshal, Division of Petroleum and Chemical Safety. Only the State Fire Marshal or the Director of the Division of Petroleum and Chemical Safety shall grant such a waiver.

(Source: Amended at 14 Ill. Reg. 5781, effective April 10, 1990 )



## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Rules and Rate Filings
- 2) Code Citation: 50 Ill. Adm. Code 754
- 3) Section Numbers: 754  
Exhibit B      Adopted Action:  
Amendment
- 4) Statutory Authority: Articles VII-A and XXVI of the Illinois Insurance Code. (Ill. Rev. Stat. 1987, ch. 73, pars. 735A-1 and 1028 et. seq.).
- 5) Effective Date of Amendments: April 6, 1990
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: April 6, 1990
- 9) Notice of Proposed Published in Illinois Register: December 8, 1989, 13 Ill. Reg. 19013
- 10) Has JCAR issued a Statement of Objections to these Rules? No
- 11) Differences between proposed and final version: No substantive changes were made to the proposed rulemaking.
- 12) Have all the changes agreed upon by the agency and JCAR been made: No agreed changes were made in this rulemaking.
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Exhibit B to Part 754 sets forth static information that insurance companies writing private passenger automobile insurance must file with the Illinois Department of Insurance. The amendments to Exhibit B update the coverage and type of automobile information requested in the comparison and also more evenly distributes the geographical areas within the State for which information is requested.
- 16) Information and questions regarding these adopted amendments shall be directed to:

## NOTICE OF ADOPTED AMENDMENTS

Robert Heisler  
Illinois Department of Insurance  
320 W. Washington Street  
Springfield, Illinois 62726  
(217) 782-4515

The text of the adopted Amendments beings on the next page.



DEPARTMENT OF INSURANCE  
NOTICE OF ADOPTED AMENDMENT

TITLE 50: INSURANCE  
CHAPTER I: DEPARTMENT OF INSURANCE  
SUBCHAPTER 1: ADVISORY ORGANIZATIONS

PART 754  
RULES AND RATE FILINGS

- Section  
754.10 Companies Must File  
754.20 Other Company Filings  
754.30 Documentation - Individual Risks  
754.40 Submittion of Filings  
754.50 Prohibited Acts and Practices  
754. EXHIBIT A. Summary Sheet (Form RF-3)  
754. EXHIBIT B. Automobile Annual Premium Comparison (Form RF-4)  
754. EXHIBIT C. Homeowners Annual Premium Comparison (Form RF-5)

AUTHORITY: Implementing Articles VII-A and XXVI of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, pars. 735A and 1028 et seq.) and authorized by Section 401(a) of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 1013).

SOURCE: Filed September 9, 1975, effective September 30, 1975; amended at 4 Ill. Reg. 26 effective July 1, 1980; codified at 7 Ill. Reg. 3458; amended at 13 Ill. Reg. 1542 effective January 23, 1989; amended at 14 Ill. Reg. 5793, effective April 6, 1990.

DEPARTMENT OF INSURANCE  
NOTICE OF ADOPTED AMENDMENT

Section 754. EXHIBIT B Automobile Annual Premium Comparison (Form RF-4)

AUTOMOBILE ANNUAL PREMIUM COMPARISON									
COVERAGE	15/30/10,000		25/50/10,000		50/100/10,000		100/300/10,000		Physical Damage-100/1000 Deductible Comprehensive
	15/30/10,000		25/50/10,000		50/100/10,000		100/300/10,000		
CAR	15/30/10,000		25/50/10,000		50/100/10,000		100/300/10,000		Substantial Deductible Collision
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DRIVERS	15/30/10,000		25/50/10,000		50/100/10,000		100/300/10,000		Age-Group-1)
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ARLINGTON HEIGHTS	15/30/10,000		25/50/10,000		50/100/10,000		100/300/10,000		Age-Group-1)
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AURORA	15/30/10,000		25/50/10,000		50/100/10,000		100/300/10,000		Age-Group-1)
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	15/30/10,000		25/50/10,000		50/100/10,000		100/300/10,000		
CHICAGO	15/30/10,000		25/50/10,000		50/100/10,000		100/300/10,000		Age-Group-1)
	15/30/10,000		25/50/10,000		50/100/10,000		100/300/10,000		
CHICAGO	15/30/10,000		25/50/10,000		50/100/10,000		100/300/10,000		Age-Group-1)
	15/30/10,000		25/50/10,000		50/100/10,000		100/300/10,000		
CHICAGO	15/30/10,000		25/50/10,000		50/100/10,000		100/300/10,000		Age-Group-1)
	15/30/10,000		25/50/10,000		50/100/10,000		100/300/10,000		
CHICAGO	15/30/10,000		25/50/10,000		50/100/10,000		100/300/10,000		Age-Group-1)
	15/30/10,000		25/50/10,000		50/100/10,000		100/300/10,000		
CHICAGO	15/30/10,000		25/50/10,000		50/100/10,000		100/300/10,000		Age-Group-1)
	15/30/10,000		25/50/10,000		50/100/10,000		100/300/10,000		
CHICAGO	15/30/10,000		25/50/10,000		50/100/10,000		100/300/10,000		Age-Group-1)
	15/30/10,000		25/50/10,000		50/100/10,000		100/300/10,000		
CHICAGO	15/30/10,000		25/50/10,000		50/100/10,000		100/300/10,000		Age-Group-1)
	15/30/10,000		25/50/10,000		50/100/10,000		100/300/10,000		
CHICAGO	15/30/10,000		25/50/10,000		50/100/10,000		100/300/10,000		Age-Group-1)
	15/30/10,000		25/50/10,000		50/100/10,000		100/300/10,000		
CHICAGO	15/30/10,000		25/50/10,000		50/100/10,000		100/300/10,000		Age-Group-1)
	15/30/10,000		25/50/10,000		50/100/10,000		100/300/10,000		
CHICAGO	15/30/10,000		25/50/10,000		50/100/10,000		100/300/10,000		Age-Group-1)
	15/30/10,000		25/50/10,000		50/100/10,000		100/300/10,000		
CHICAGO	15/30/10,000		25/50/10,000		50/100/10,000		100/300/10,000		Age-Group-1)
	15/30/10,000		25/50/10,000		50/100/10,000		100/300/10,000		
CHICAGO	15/30/10,000		25/50/10,000		50/100/10,000		100/300/10,000		Age-Group-1)
	15/30/10,000		25/50/10,000		50/100/10,000		100/300/10,000		
CHICAGO	15/30/10,000		25/50/10,000		50/100/10,000		100/300/10,000		Age-Group-1)
	15/30/10,000		25/50/10,000		50/100/10,000		100/300/10,000		
CHICAGO	15/30/10,000		25/50/10,000		50/100/10,000		100/300/10,000		Age-Group-1)
	15/30/10,000		25/50/10,000		50/100/10,000		100/300/10,000		
CHICAGO	15/30/10,000		25/50/10,000		50/100/10,000		100/300/10,000		Age-Group-1)
	15/30/10,000		25/50/10,000		50/100/10,000		100/300/10,000		
CHICAGO	15/30/10,000		25/50/10,000		50/100/10,000		100/300/10,000		Age-Group-1)
	15/30/10,000		25/50/10,000		50/100/10,000		100/300/10,000		
CHICAGO	15/30/10,000		25/50/10,000		50/100/10,000		100/300/10,000		Age-Group-1)
	15/30/10,000		25/50/10,000		50/100/10,000		100/300/10,000		
CHICAGO	15/30/10,000		25/50/10,000		50/100/10,000				



POLLUTION CONTROL BOARD  
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Underground Storage Tanks
- 2) Code Citation: 35 Ill. Adm. Code 731
- 3) Section Numbers:  
731.191, 731.193, 731.203, Appendix A  
Adopted Action:  
Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, pars. 1022.4 and 1027.
- 5) Effective Date of Amendment: April 10, 1990
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this Amendment contain incorporations by reference?  
Yes. This amendment incorporates federal regulations by reference.
- 8) Date filed in Board's Principal Office: Order adopted March 1, 1990.
- 9) Notice of Proposal Published in Illinois Register:  
January 5, 1990; 14 Ill. Reg. 153
- 10) Has JCER issued a Statement of Objections to these rules? No.  
Section 22.4(d) of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1022.4(d)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCER.
- 11) Differences between proposal and final version:  
Minor editorial differences only.
- 12) Have all the changes agreed upon by the Board and JCER been made as indicated in the agreement letter issued by JCER?  
Section 22.4(d) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCER.
- 13) Will this Amendment replace an emergency amendment currently in effect?  
No.

POLLUTION CONTROL BOARD  
NOTICE OF ADOPTED AMENDMENTS

- 14) Are there any other amendments pending on this Part? Yes, in R89-19 and R90-3.

Section Numbers	Proposed Action	Illinois Register Citation
731.192	Amendment	March 23, 1990; 14 Ill. Reg. 4406
731.197	Amendment	March 23, 1990; 14 Ill. Reg. 4406
731.200	New Section	February 23, 1990; 14 Ill. Reg. 2791
731.205	Amendment	March 23, 1990; 14 Ill. Reg. 4406

- 15) Summary and Purpose of Amendments:

A complete description is contained in the Board's Opinion of March 1, 1990, in R89-10, which Opinion is available from the address below. Section 22.4(d) of the Environmental Protection Act (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, par. 1022.4(d)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCER.

This rulemaking updates the Board's RCRA hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period October 27 through June 30, 1989.

- 16) Information and questions regarding this adopted Amendment shall be directed to:

Morton F. Dorothy  
Scientific/Technical Section  
Illinois Pollution Control Board  
104 W. University  
Urbana, IL 61801  
217/ 333-5575

The full text of the Adopted Amendment begins on the next page:



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE G: WASTE DISPOSAL

## CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER d: UNDERGROUND INJECTION CONTROL  
AND UNDERGROUND STORAGE TANK PROGRAMS

## PART 731

## UNDERGROUND STORAGE TANKS

## SUBPART A: PROGRAM SCOPE AND INTERIM PROHIBITION

Section  
731.101 Definitions and exemptions (Repealed)  
731.102 Interim prohibitions (Repealed)  
731.103 Notification Requirements (Repealed)  
731.110 Applicability  
731.111 Interim Prohibition for Deferred Systems  
731.112 Definitions  
731.113 Incorporations by Reference  
731.114 Implementing Agency

## SUBPART B: UST SYSTEMS: DESIGN, CONSTRUCTION, INSTALLATION AND NOTIFICATION

Section  
731.120 Performance Standards for New Systems  
731.121 Upgrading of Existing Systems  
731.122 Notification Requirements

## SUBPART C: GENERAL OPERATING REQUIREMENTS

Section  
731.130 Spill and Overfill Control  
731.131 Operation and Maintenance of Corrosion Protection  
731.132 Compatibility  
731.133 Repairs Allowed  
731.134 Reporting and Recordkeeping

## SUBPART D: RELEASE DETECTION

Section  
731.140 General Requirements for all Systems  
731.141 Petroleum Systems  
731.142 Hazardous Substance Systems  
731.143 Tanks  
731.144 Piping  
731.145 Recordkeeping

## SUBPART E: RELEASE REPORTING, INVESTIGATION AND CONFIRMATION

Section  
731.150 Reporting of Suspected Releases  
731.151 Investigation due to Off-site Impacts  
731.152 Release Investigation and Confirmation

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## Reporting and Cleanup of Spills and Overfills

## SUBPART F: RELEASE RESPONSE AND CORRECTIVE ACTION

Section  
731.160 General  
731.161 Initial Response  
731.162 Initial Abatement Measures and Site Check  
731.163 Initial Site Characterization  
731.164 Free Product Removal  
731.165 Investigations for Soil and Groundwater Cleanup  
731.166 Corrective Action Plan  
731.167 Public Participation

## SUBPART G: OUT-OF-SERVICE SYSTEMS AND CLOSURE

Section  
731.170 Temporary Closure  
731.171 Permanent Closure and Changes-in-Service  
731.172 Assessing Site at Closure or Change-in-Service  
731.173 Previously Closed Systems  
731.174 Closure Records

## SUBPART H: FINANCIAL RESPONSIBILITY

Section  
731.190 Applicability  
731.191 Compliance Dates  
731.192 Definitions  
731.193 Amount and Scope of Required Financial Responsibility  
731.194 Allowable Mechanisms and Combinations  
731.195 Financial Test of Self-Insurance  
731.196 Guarantee  
731.197 Insurance or Risk Retention Group Coverage  
731.198 Surety Bond  
731.199 Letter of Credit  
731.200 Trust Fund  
731.201 Standby Trust Fund  
731.202 Substitution of Mechanisms  
731.203 Cancellation or Nonrenewal by Provider  
731.204 Reporting  
731.205 Recordkeeping  
731.206 Drawing on Financial Assurance  
731.207 Release from Financial Assurance Requirement  
731.208 Bankruptcy or other Incapacity  
731.209 Replenishment  
731.210 Incorporation by reference (Repealed)  
731.211 Compliance Date (Repealed)  
731.900

## Appendix A

Notification Form



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

AUTHORITY: Implementing Section 22.4(d) and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1988 Supp. ch. 111 1/2, pars. 1022.4(d) and 1027).

SOURCE: Adopted in R86-1 at 10 Ill. Reg. 14175, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6220, effective March 24, 1987; amended in R88-27 at 13 Ill. Reg. 9519, effective June 12, 1989; amended in R89-4 at 13 Ill. Reg. 15010, effective September 12, 1989; amended in R89-10 at 14 Ill. Reg. 5797, effective April 10, 1990

## SUBPART H: FINANCIAL RESPONSIBILITY

## Section 731.191 Compliance Dates

Owners of petroleum underground storage tanks are required to comply with the requirements of this Subpart by the following dates:

- a) All petroleum marketing firms owning 1,000 or more USTs and all other UST owners that report a tangible net worth of \$20 million or more to the U.S. Securities and Exchange Commission (SEC), Dun and Bradstreet, the Energy Information Administration or the Rural Electrification Administration: - Immediately - January 24, 1989, except that compliance with Section 730.194(b) is required by: July 24, 1989.

- b) All petroleum marketing firms owning 100 through 999 USTs: October 26, 1989.

- c) All petroleum marketing firms owning 13 through 99 USTs at more than one facility: April 26, 1990.

- d) All petroleum UST owners not described in subsections (a), (b) or (c), including units of local government: October 26, 1990.

(Source: Amended at 14 Ill. Reg. 5797, effective April 10, 1990)

## Section 731.193 Amount and Scope of Required Financial Responsibility

- a) Owners or operators of petroleum underground storage tanks shall demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum underground storage tanks in at least the following per-occurrence amounts:

- 1) For owners or operators of petroleum underground storage tanks that are located at petroleum marketing facilities, or that handle an average of more than 10,000 gallons of petroleum per

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

month based on annual throughput for the previous calendar year: \$1 million.

- 2) For all other owners or operators of petroleum underground storage tanks: \$500,000.
- b) Owners or operators of petroleum underground storage tanks shall demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum underground storage tanks in at least the following annual aggregate amounts:
  - 1) For owners or operators of 1 to 100 petroleum underground storage tanks: \$1 million; and
  - 2) For owners or operators of 101 or more petroleum underground storage tanks: \$2 million.
- c) For the purposes of subsections (b) and (f) only, a "petroleum underground storage tank" means a single containment unit and does not mean combinations of single containment units.
- d) Except as provided in subsection (e), if the owner or operator uses separate mechanisms or separate combinations of mechanisms to demonstrate financial responsibility for:
  - 1) Taking corrective action;
  - 2) Compensating third parties for bodily injury and property damage caused by sudden accidental releases; or
  - 3) Compensating third parties for bodily injury and property damage caused by nonsudden accidental releases, the amount of assurance provided by each mechanism or combination of mechanisms must be in the full amount specified in subsection (a) and (b).
- e) If an owner or operator uses separate mechanisms or separate combinations of mechanisms to demonstrate financial responsibility for different petroleum underground storage tanks, the annual aggregate required must be based on the number of tanks covered by each such separate mechanism or combination of mechanisms.
- f) Owners or operators shall review the amount of aggregate assurance provided whenever additional petroleum underground storage tanks are acquired or installed. If the number of petroleum underground storage tanks for which assurance must be provided exceeds 100, the owner or operator shall demonstrate financial responsibility in the



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

amount of at least \$2 million of annual aggregate assurance by the anniversary of the date on which the mechanism demonstrating financial responsibility became effective. If assurance is being demonstrated by a combination of mechanisms, the owner or operator shall demonstrate financial responsibility in the amount of at least \$2 million of annual aggregate assurance by the first-occurring effective date anniversary of any one of the mechanisms combined (other than a financial test or guarantee) to provide assurance.

- g) The amounts of assurance required under this Section exclude legal defense costs.
- h) The required per-occurrence and annual aggregate coverage amounts do not in any way limit the liability of the owner or operator.

(Source: Amended at 14 Ill. Reg. 5797, effective April 10, 1990)

## Section 731.203 Standby Trust Fund

- a) An owner or operator using any one of the mechanisms authorized by Sections 731.196, 731.198 or 731.199 shall establish a standby trust fund when the mechanism is acquired. The trustee of the standby trust fund shall be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by the Illinois Commissioner of Banks and Trust Companies, or who complies with the Corporate Fiduciary Act. (Ill. Rev. Stat. 1987, ch. 17, pars. 1551-1 et seq.)

## b) Forms.

- 1) The Board incorporates by reference 40 CFR 280.103(b) as adopted at 53 Fed. Reg. 43370, October 26, 1988 and as amended at 53 Fed. Reg. 51274, December 21, 1988. This Section incorporates no future editions or amendments.
- 2) The Fire Marshal shall promulgate forms based on the forms in 40 CFR 280.103(b), with such changes as are necessary under Illinois law.
- 3) The owner or operator shall use such forms if available; otherwise, the owner or operator shall use the form in 40 CFR 280.103(b), except that instructions in brackets must be replaced with the relevant information and the brackets deleted.
- 4) In addition, the owner or operator and trustee shall agree that Illinois law governs the trust.
- c) The Fire Marshal shall instruct the trustee to refund the balance of

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

the standby trust fund to the provider of financial assurance if the Fire Marshal determines that no additional corrective action costs or third-party liability claims will occur as a result of a release covered by the financial assurance mechanism for which the standby trust fund was established.

- d) An owner or operator may establish one trust fund as the depository mechanism for all funds assured in compliance with this Subpart.

(Source: Amended at 14 Ill. Reg. 5797, effective April 10, 1990)

## Section 731.Appendix A

The Board incorporates by reference 40 CFR 280, Appendix I (1988), as amended at 53 Fed. Reg. 37208, September 23, 1988. This Section incorporates no future editions or amendments. Persons required to notify shall use forms provided by the Fire Marshal if available. Otherwise, they may prepare forms based on 40 CFR 280, Appendix I.

(Source: Amended at 14 Ill. Reg. 5797, effective April 10, 1990)



the standby trust fund to the provider of financial assurance if the Fire Marshal determines that no additional corrective action costs or third-party liability claims will occur as a result of a release covered by the financial assurance mechanism for which the standby trust fund was established.

- d) An owner or operator may establish one trust fund as the depository mechanism for all funds assured in compliance with this Subpart.

(Source: Amended at 14 Ill. Reg. 5797, effective April 10, 1990)

## Section 731. Appendix A

The Board incorporates by reference 40 CFR 280, Appendix I (1988), as amended at 53 Fed. Reg. 37208, September 23, 1988. This Section incorporates no future editions or amendments. Persons required to notify shall use forms provided by the Fire Marshal if available. Otherwise, they may prepare forms based on 40 CFR 280, Appendix I.

[illegible]



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Auxiliary Aids
- 2) Code Citation: 89 Ill. Adm. Code 540
- 3) Section Numbers: 540.40  
Adopted Action: new section
- 4) Statutory Authority: Implementing and authorized by Section 3(k) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. State. 1988 Supp., ch. 23, par. 3434(k)).
- 5) Effective Date of Amendments: April 5, 1990
- 6) Does this rulemaking contain an automatic repeal date?  
\_\_\_ Yes X No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 5, 1990
- 9) Notice of Proposal Published in Illinois Register:  
November 3, 1989, 13 Ill. Reg. 16927  
(issue date)
- 10) Has JCAR Issued a Statement of Objections to these Rule(s)?  
No If answer is "yes," please complete the following:
- A) Statement of Objection: (issue date) \_\_\_ Ill. Reg. \_\_\_
- B) Agency Response: (issue date) \_\_\_ Ill. Reg. \_\_\_
- C) Date Agency Response Submitted for Approval to JCAR:
- 11) Difference(s) between proposal and final version: The definitions in Section 540.40(a) were moved 1/2 inch to the right per comments from the Administrative Code Division. Pursuant to agreement with the Joint Committee on Administrative Rules, an example, "e.g.", whether it performs the function for which it was designed and whether there are any broken or dented places on the hardware" was added to subsection (g) to clarify "good working condition".



## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?  
Yes

13) Will this rule replace an Emergency Rule(s) currently in effect? No

14) Are there any amendments pending on this Part: No

Section Numbers Proposed Action Illinois Register Citation  
15) Summary and Purpose of Rule(s): Section 540.40 promulgates the policies for the loan of aids or equipment for persons who are blind or visually impaired.

16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Leigh Reed  
Regulations and Procedures Division  
Department of Rehabilitation Services  
P.O. Box 19429  
Springfield, Illinois 62794-9429  
Telephone number: (217) 785-3896  
T.D.D.: (217) 782-5734

The full text of Adopted Rule(s) begins on the next page:

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES  
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 540  
AUXILIARY AIDS

Section  
540.10 Provision of Auxiliary Aids for Internal Activities  
540.20 Provision of Auxiliary Aids by Service Providers  
540.30 Provision of Auxiliary Aids by DORS for Program Participation  
540.40 Aids or Equipment for Persons Who Are Blind or Visually Impaired

AUTHORITY: Implementing and authorized by Section 3(k) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1988 Supp., ch. 23, par. 3434(k)).

SOURCE: Adopted at 8 Ill. Reg. 4516, effective March 30, 1984; amended at 14 Ill. Reg. 5808, effective April 5, 1990.

Section 540.40 Aids or Equipment for Persons Who Are Blind or Visually Impaired

The Department of Rehabilitation Services (DORS) shall provide services and programs for residents of Illinois who are blind or visually impaired from funds appropriated from the Assistance to the Blind Fund.

## a) Definitions

"Accessible computer equipment": for the purposes of this Section, is defined as devices used in conjunction with computers, specifically designed to enable use of computer equipment by persons who are blind or visually impaired.

"Sensory aids": adaptive equipment used to minimize or overcome the limitations of visual impairment, such as a braille keyboard and speech synthesizer.

b) DORS shall provide sensory aids and accessible computer equipment in accordance with subsection (e) of this Section, to persons who are blind or visually impaired and require the aids or equipment in order to obtain or retain employment, or for educational purposes for students.



## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- c) Equipment shall be loaned for the following purposes:
- 1) emergency use while the borrower's equipment is being repaired or replaced;
  - 2) on a trial basis to assess the usefulness of the equipment;
  - 3) in an employer training program or during a limited probationary period of employment that may lead to permanent employment;
  - 4) in an employment situation until similar equipment can be purchased;
  - 5) in an employment situation which is changing so that DORS equipment will only be needed for a limited time;
  - 6) for demonstration purposes for persons who are blind or visually impaired; or
  - 7) in an educational situation until similar equipment can be purchased.
- d) Requests to borrow the equipment, in accordance with subsection (e) of this Section, will be considered by DORS, Bureau of Blind Services in the following order of priority:
- 1) clients of the Vocational Rehabilitation (VR) Program (89 Ill. Adm. Code: Chapter IV, Subchapter b) who are blind or visually impaired and require equipment or aids to obtain or retain employment;
  - 2) employees of the State of Illinois who are blind or visually impaired;
  - 3) Illinois residents who are blind or visually impaired and require equipment or aids to obtain or retain employment; and
  - 4) students who are blind or visually impaired, require the aids or equipment for educational purposes and are actively involved in a full-time educational program.

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- e) All requests for loan of equipment must include the completion of the Loan Agreement (IL488-1999). Approval for any loan is contingent on a plan to replace loaned equipment within previously agreed upon time frames, according to subsection (f) of this Section.
- f) Equipment loans will be for up to 60 calendar days and may be extended for additional periods of 30 calendar days upon prior written approval of the Bureau of Blind Services. If there is a waiting list for the equipment in question, priorities in subsection (d) of this Section will apply.
- g) Equipment loaned in accordance with subsection (f) of this Section shall be returned in good working condition (as determined by the Loan Program Coordinator, e.g., whether it performs the function for which it was designed and whether there are any broken or dented places on the hardware), by the borrower, at his/her expense, to DORS, Bureau of Blind Services. Other than malfunctions resulting from normal wear and tear as determined by the equipment manufacturer or its authorized service agency, the borrower shall be held responsible for full payment for the repair of damages in order to return the equipment to its operational state or replacement of the equipment. The borrower will be required to pay the total replacement cost of any equipment not returned.
- h) Maintenance of equipment on loan is the responsibility of the borrower.
- i) Obtaining permanent equipment is the responsibility of the borrower. DORS, Bureau of Blind Services will assist the borrower in determining the most useful sensory aids or equipment for a particular position/situation, and will assist in coordinating the purchase of equipment with the borrower, employer and/or DORS counselor.
- j) Only equipment designated as loan equipment and maintained on a current inventory list shall be borrowed from DORS Bureau of Blind Services.

(Source: Added at 14 Ill. Reg. 5808  
effective April 5, 1990.)



## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

- 1) The Heading of the Part: Remittance Agents
- 2) Code Citation: 92 Ill. Adm. Code 1019
- 3) Section numbers:  
1019.40 Adopted Action:  
Amendment
- 4) Statutory Authority: Section 2-104(b) and 3-900 et seq. of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b) and 3-900 et seq.)
- 5) Effective Date of Amendment: April 15, 1990
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 15, 1990
- 9) Notice of Proposal Published in Illinois Register:  
December 1, 1989, 13 Ill. Reg. 18843
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version: There were no revisions required.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: This adopted rulemaking makes minor changes in the criteria for the recordkeeping of remittance agents. It relieves the second agent from recording the original applicant's address in his/her records. It also makes the initiating remittance agent responsible for recording the amount of fee for delivery to the Department of Revenue.

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

- 16) Information and questions regarding these adopted amendments shall be directed to:

Robert B. Powers  
Assistant Counsel to the Secretary  
298 Centennial Building  
Springfield, Illinois 62706  
217/785-3094

The full text of the Adopted Amendment begins on the next page:



## NOTICE OF ADOPTED AMENDMENT(S)

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATEPART 1019  
REMITTANCE AGENTS

## Section

- 1019.5 Definitions
- 1019.10 Application for Remittance Agent License and Renewal
- 1019.20 Denial of Application for Remittance Agent's License
- 1019.30 Suspension and Revocation of Remittance Agents' Licenses
- 1019.35 Processing Transactions
- 1019.40 Recordkeeping Requirements
- 1019.45 Severability Clause

AUTHORITY: Implementing Section 3-900 et seq. and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, pars. 3-900 et seq. and 2-104(b)).

Source: Adopted at 13 Ill. Reg. 4944, effective April 1, 1989; amended at 14 Ill. Reg. 5813, effective April 15, 1990

## Section 1019.40 Recordkeeping Requirements

- a) Each person licensed as a remittance agent as defined in Section 3-900 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-900) shall maintain for a period of three (3) years a record of each transaction involving a remittance to the Department.
- b)
  - The records shall be maintained in ledger form or be computerized. If computerized, the records should be available to the auditors from the Accounting Revenue Department or the officers from the Department of Police within thirty (30) minutes of a request. The records should contain the following information:
  - 1) The name and address of the remittance agent. If the remittance agent has more than one licensed location, the records shall reflect the location where the transaction was received, processed, or where the records are kept.
  - 2) The name and address of the applicant submitting the transaction. If a remittance agent does not make the initial contact with the applicant but receives a

## NOTICE OF ADOPTED AMENDMENT(S)

transaction from another remittance agent, dealer, currency exchange, or financial institution, the second remittance agent shall record the original applicant's name and address and that of the initiating remittance agent, dealer, currency exchange, or financial institution.

- 3) The address of the Secretary of State facility to which the transaction is delivered. If the transaction is delivered to another remittance agent for delivery to the Department, the name and address of the second remittance agent shall be recorded by the first remittance agent.

- 4) The type of application that the transaction involves.

- 5) The amount of fee received by the remittance agent for delivery to the Department for each transaction. The funds shall be identified as "cash," "check" or "money order" payable to the Secretary of State, or "check" or "money order" payable to the remitter.

- 6) The initiating remittance agent shall record the amount of fee received by the remittance agent for delivery to the Department of Revenue. The funds shall be identified as "cash," "check" or "money order" payable to the Department of Revenue, or "check" or "money order" payable to the remitter.

- 7) The date the fee and transaction were received by the remittance agent.

- 8) The date the fee and transaction were delivered to the Department and the method of delivery.

- 9) The date that the registration plate and/or sticker was delivered to the applicant or initiating remittance agent, dealer, currency exchange or financial institution if applicable. If it is the policy of the remittance agent to have the applicant pick-up the registration plate and/or sticker, the date that the applicant was notified of its availability, the method of notification, and date the items were picked up shall be recorded.

(Source: Amended at 14 Ill. Reg. 5813, effective April 15, 1990)



ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF EMERGENCY REPEALER

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF EMERGENCY REPEALER

1) The Heading of the Part: Low-Income Housing Tax Credit Allocation

2) Code Citation: 47 Ill. Adm. Code 350

3) Section Numbers: Emergency Action:

350.101	Repeal
350.102	Repeal
350.103	Repeal
350.104	Repeal
350.201	Repeal
350.202	Repeal
350.203	Repeal
350.204	Repeal
350.205	Repeal
350.206	Repeal
350.207	Repeal
350.208	Repeal
350.209	Repeal

4) Statutory Authority: Section 7.24(g) of the Illinois Housing Development Act (Ill. Rev. Stat. 1987, ch. 67 1/2, par. 307.24(g)).

5) Effective Date of Repealer: March 19, 1990

6) Date Filed in Agency's Principal Office: March 16, 1990.

7) Reason for Emergency: The United States Congress passed the Omnibus Budget Reconciliation Act of 1989 (the "Federal Act") which, to alleviate the critical shortage of affordable housing for low-income households, modified the procedures to allocate housing tax credit dollars. The Illinois Housing Development Authority (the "Authority"), as State Housing Credit Agency, currently has administrative rules in order to allocate these housing tax credit dollars which must now be extensively amended to comply with the changes in the Federal Act. The Authority may only allocate housing tax credit dollars after the emergency repealer and emergency rules, filed simultaneously, are effective, thus, this Part must be submitted on an emergency basis.

8) A Complete Description of the Subjects and Issues Involved: This emergency repealer repeals the Part for allocating housing tax credit dollars.

9) Are there any proposed amendments to this Part pending? No

10) Statement of Statewide Policy Objectives: This emergency repealer is required in order to file new rules that help maintain a statewide program to create and retain affordable housing for low-income households.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments, data, views or arguments concerning this rulemaking in writing to: Diane Schultheis, 401 N. Michigan Ave., Suite 900, Chicago, Illinois 60611. The Authority will consider all written comments received at the above address within 45 days of the date of publication of this notice.

The full text of the emergency repealer begins on the next page:



## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF EMERGENCY REPEALER

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT  
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## PART 350

LOW-INCOME HOUSING TAX CREDIT ALLOCATION  
(REPEALED)

## SUBPART A: GENERAL RULES

Section	Purpose and Objectives
350.101 EMERGENCY	
350.102 EMERGENCY	Definitions
350.103 EMERGENCY	Compliance with Federal Law
350.104 EMERGENCY	Severability

## SUBPART B: LOW-INCOME HOUSING TAX CREDIT ALLOCATIONS

350.201 EMERGENCY	Tax Credit Issuing Authority
350.202 EMERGENCY	Application Process
350.203 EMERGENCY	Authority Review
350.204 EMERGENCY	Approval or Rejection
350.205 EMERGENCY	Notification of Placement Into Service
350.206 EMERGENCY	Project Certification
350.207 EMERGENCY	Housing Credit Dollars Allocation
350.208 EMERGENCY	Reservation of Housing Tax Credits for Period Other Than Current Calendar Year
350.209 EMERGENCY	Revocation of Reservations

AUTHORITY: Sections 7.24(g), 7.19 and 7.25 of the Illinois Housing Development Act (Ill. Rev. Stat. 1987, ch. 67 1/2, pars. 307.24(g), 307.19 and 307.25).

SOURCE: Emergency rules adopted at 11 Ill. Reg. 6553, effective March 30, 1987, for a maximum of 150 days; emergency expired August 27, 1987; adopted at 11 Ill. Reg. 19271, effective November 17, 1987; amended at 13 Ill. Reg. 5947,

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effective April 18, 1989; Part repealed, new Part adopted by emergency action at 14 Ill. Reg. 5817, effective 3/19/90, for a maximum of 150 days.



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## NOTICE OF EMERGENCY REPEALER

## SUBPART A: GENERAL RULES

Section 350.101 Purpose and Objectives  
EMERGENCY

This Part is being established to set forth the standards for the allocation of housing tax credit dollars by the Illinois Housing Development Authority as State Housing Credit Agency for the State under Section 42 of the Internal Revenue Code (26 U.S.C. 42) for the acquisition, construction and rehabilitation of low-income housing.

Section 350.102 Definitions  
EMERGENCY

"Authority": The Illinois Housing Development Authority.

"Calendar Days": Days shall mean calendar days. Due dates falling on a Saturday, Sunday, or legal State or federal holiday shall be deemed to fall on the next calendar day that is not Saturday, Sunday, or a legal State or federal holiday.

"Governor": The Governor of the State of Illinois.

"Internal Revenue Code": The Internal Revenue Code of 1986, (26 U.S.C. 1 et seq.) as amended and supplemented from time to time, including any regulations promulgated and revenue rulings issued thereunder.

"Part": This Part 350.

"Project": The real estate, together with all improvements, buildings, equipment and personal property appurtenant thereto.

"State": The State of Illinois.

"State Housing Credit Agency": The Illinois Housing Development Authority as the agency designated by the Governor to allocate housing tax credit dollars.

Section 350.103 Compliance with Federal Law  
EMERGENCY

Notwithstanding anything herein to the contrary, this Part shall be construed in conformity and compliance with the Internal Revenue Code. To the extent that this Part conflicts with the Internal Revenue Code, the Internal Revenue Code shall control and prevail.

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Section 350.104 Severability  
EMERGENCY

If any clause, sentence, paragraph, subsection, Section, or Subpart of this Part be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subsection, Section, or Subpart thereof as to which such judgment is rendered.

## SUBPART B: LOW-INCOME HOUSING TAX CREDIT ALLOCATIONS

Section 350.201 Tax Credit Issuing Authority  
EMERGENCY

The amount of tax credit dollars to be allocated is based on the State's per capita allocation for places other than constitutional home rule units and amounts voluntarily ceded by constitutional home rule units which shall be evidenced by governmental approval of such ceding.

Section 350.202 Application Process  
EMERGENCY

Any sponsor may apply for an allocation of housing tax credit dollars by submitting an application to the Authority on forms prescribed by the Authority setting forth the following information:

- a) The name and location of the proposed Project;
- b) The name, address and telephone number of the sponsor, owner, attorney, architect, contractor and consultant;
- c) A history of the sponsor's experience in developing housing and low-income housing in particular;
- d) A complete description of the proposed Project, including the number and type of units and a rent schedule;
- e) A complete description of any subsidies for the Project including the proposed source and estimated amount;
- f) Percentage of low-income units as defined in Section 42 of the Internal Revenue Code and the methodology used in estimating this percentage;
- g) The estimated total cost of the proposed Project, including land acquisition, construction, architects' fees, attorneys' fees, title insurance and all other costs associated with the



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fees, title insurance and all other costs associated with the Project;

- h) The amount and type of financing for the Project and the status of same, including evidence of a financing commitment from the source of financing;
- i) Dates of the Project's expected ground breaking, completion and placement into service;
- j) The amount of housing tax credit dollars requested;
- k) A certification from the sponsor certifying to the Authority that all information contained in the application and accompanying information is true and accurate to the best of sponsor's knowledge and that the Project will be placed in service before the close of the calendar year; and
- 1) The Sponsor shall submit an application fee of \$250.00 with the application for housing tax credits. Upon approval of the application for housing tax credits, a reservation fee of 2.75% of the amount of the credit reservation will be due.

Section 350.203 Authority Review  
EMERGENCY

Upon receipt of an application for housing credit dollars the Authority, as State Housing Credit Agency, shall review the application and approve or reject it in whole or in part. In its review of an application, the Authority shall consider, but not be limited to, the following criteria:

- a) Ability of sponsor to minimize involuntary displacement of low-income households for rehabilitation projects taking into consideration the safety of the tenants during rehabilitation, any necessary structural changes, the integrity of the structure and the scope of rehabilitation.
- b) The ability of the proposed Project to meet the requirements of Section 42 and other applicable sections of the Internal Revenue Code and regulations promulgated thereunder throughout the compliance period considering the information contained in the application;
- c) Financial feasibility of the Project considering the existing housing of the area and the area's housing needs as determined by the Authority, based on census data, social surveys, published data, or on-site inspections.

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- d) Location of a Project in a place other than a constitutional home rule unit which has not ceded its tax credit dollars to the State Housing Credit Agency;
- e) The ability of the sponsor to successfully complete the Project and place it in service before the close of the calendar year for which housing tax credit dollars have been allocated considering the sponsor's schedule submitted with the application, the sponsor's experience in the development and rehabilitation of housing, the size and scope of the Project, and the time of the application in relation to the year for which the tax credits are requested;
- f) Number of units in the Project and the number of bedrooms per unit;
- g) Geographical location of Projects allocated housing tax credit dollars for the calendar year;
- h) The ability of the Project to increase the quality and quantity of housing stock and redevelop blighted areas or to prevent the occurrence of slum conditions;
- i) The designated number of units for low-income households which exceeds minimum requirements of Section 42 of the Internal Revenue Code;
- j) Assistance or financial support by federal, State, or local governmental unit;
- k) Material participation of a qualified nonprofit organization in the development and operation of the Project as set forth in Section 42(h)(5) of the Internal Revenue Code; and
- 1) Accessibility for the physically handicapped, the mentally ill or the developmentally disabled in accordance with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Section 794).

Section 350.204 Approval or Rejection  
EMERGENCY

- a) Upon completion of its review of the application for housing tax credit dollars, the Authority shall notify the sponsor in writing of its approval or rejection of the application, in whole or in part, considering the availability of tax credits, the need for housing throughout the State as determined by the Authority, based on census data, social surveys, published data, or on-site inspections, the geographic distribution of



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tax credits throughout the State and the information contained in the application.

b) Upon the approval of the application for housing tax credit dollars, in whole or in part, the Authority shall issue a letter conditionally allocating housing tax credit dollars to the qualified low-income building.

c) The conditional letter of reservation shall set forth the terms and conditions upon which the housing tax credit dollars will be allocated to the qualified low-income building, including, but not limited to:

- 1) The placement into service of the Project before the close of the calendar year for which housing tax credit dollars have been allocated;
- 2) Full compliance by both the sponsor and the proposed Project with Section 42 and other applicable sections of the Internal Revenue Code;
- 3) Certification from the sponsor certifying to the Authority that the sponsor and the Project are in full compliance with Section 42 and other applicable sections of the Internal Revenue Code and will continue to comply with such for such time as required by the Internal Revenue Code; and
- 4) Certification from the sponsor that there shall be no change in the sponsor or the sponsor's structure or the structure of the transaction without the prior written approval of the Authority. The Authority shall approve the change if the sponsor or sponsor's structure or the structure of the transaction complies with Sections 350.202 and 350.203 of this Part.

Section 350.205 Notification of Placement Into Service  
EMERGENCY

The sponsor shall notify the Authority in writing 45 days prior to placement into service of the Project and thereafter upon the Project's placement into service.

Section 350.206 Project Certification  
EMERGENCY

Upon the placement into service of the Project, the sponsor shall certify to the Authority, the sponsor's and the Project's compliance with Section 42 of

the Internal Revenue Code and the other applicable sections of the Internal Revenue Code and provide the Authority with any documentation submitted to the Internal Revenue Service which establishes compliance with the Internal Revenue Code.

Section 350.207 Housing Credit Dollars Allocation  
EMERGENCY

After acceptance of sponsor's application and receipt by the Authority of all requested documentation, in a format acceptable to the Authority, which establishes to the satisfaction of the Authority that the sponsor and the Project are in compliance with all the requirements of Section 42 and other applicable sections of the Internal Revenue Code, the Authority shall allocate housing credit dollars to the qualified low-income building.

Section 350.208 Reservation of Housing Tax Credits for Period Other Than  
Current Calendar Year  
EMERGENCY

The Authority shall approve a sponsor's application for housing tax credits for a calendar year subsequent to the year of application, thereby reserving the credits from the subsequent year's credit ceiling if it meets the standards of Sections 350.202, 350.203 and 350.204.

Section 350.209 Revocation of Reservations  
EMERGENCY

The Authority reserves the right to revoke reservations of tax credit dollars if a sponsor is not going to be able to place the Project into service within the calendar year for which tax credit dollars have been reserved as evidenced by the sponsor's inability to meet its schedule as set forth in its application or if a Project would otherwise not comply with Section 42 and other applicable sections of the Internal Revenue Code or with this Part.



## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF EMERGENCY RULES

1) Heading of Part: Low-Income Housing Tax Credit Allocation2) Code Citation: 47 Ill. Adm. Code 3503) Section Numbers: Emergency Action:

350.101	New Section
350.102	New Section
350.103	New Section
350.104	New Section
350.201	New Section
350.202	New Section
350.203	New Section
350.204	New Section
350.205	New Section
350.206	New Section
350.207	New Section
350.208	New Section
350.209	New Section
350.210	New Section
350.211	New Section
350.212	New Section

4) Statutory Authority: Sections 7.24(g) of the Illinois Housing Development Act (Ill. Rev. Stat. 1987, ch. 67 1/2, par. 307.24(g)).5) Effective Date of Rules: March 19, 19906) Date Filed in Agency's Principal Office: March 16, 1990.7) Reason for Emergency: The United States Congress passed the Omnibus Budget Reconciliation Act of 1989 (the "Federal Act") which, to alleviate the critical shortage of affordable housing for low-income households, modified the procedures to allocate housing tax credit dollars. The Illinois Housing Development Authority (the "Authority"), as State Housing Credit Agency, currently has administrative rules in order to allocate these housing tax credit dollars which must now be extensively amended to comply with the changes in the Federal Act. The Authority may only allocate housing tax credit dollars after the requisite changes contained in these emergency rules are effective, thus, this Part must be submitted on an emergency basis.

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## NOTICE OF EMERGENCY RULES

8) A Complete Description of the Subjects and Issues Involved:

This Part sets forth the procedures for allocation of housing tax credit dollars under the Illinois Housing Development Authority's Low-Income Housing Tax Credit Program. The Low-Income Housing Tax Credit Program was created to comply with Federal Law and to assist in acquisition, construction and rehabilitation of affordable single-family and multifamily rental housing for low-income households.

9) Are there any proposed amendments to this Part pending? Yes, these same rules are simultaneously being proposed on a non-emergency basis.10) Statement of Statewide Policy Objectives: The emergency rules maintain a statewide program to create and retain affordable housing for low-income households.11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments, data, views or arguments concerning this rulemaking in writing to: Diane Schultheis, 401 N. Michigan Ave., Suite 900, Chicago, Illinois 60611. The Authority will consider all written comments received at the above address within 45 days of the date of publication of this notice.

The full text of the emergency rules begins on the next page:



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NOTICE OF EMERGENCY RULES

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT  
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

PART 350  
LOW-INCOME HOUSING TAX CREDIT ALLOCATION

SUBPART A: GENERAL RULES

Section	Purpose and Objectives
350.101 EMERGENCY	Definitions
350.102 EMERGENCY	Compliance with Federal Law
350.103 EMERGENCY	Severability
350.104 EMERGENCY	

SUBPART B: LOW-INCOME HOUSING TAX CREDIT ALLOCATIONS

350.201 EMERGENCY	Tax Credit Issuing Authority
350.202 EMERGENCY	Allocation Pursuant to Qualified Allocation Plan
350.203 EMERGENCY	Application Process
350.204 EMERGENCY	Notice of Application
350.205 EMERGENCY	Authority Review
350.206 EMERGENCY	Allocation Amount - Project Feasibility
350.207 EMERGENCY	Approval or Rejection
350.208 EMERGENCY	Extended Low-Income Housing Commitment
350.209 EMERGENCY	Project Certification
350.210 EMERGENCY	Housing Tax Credit Dollars Allocation
350.211 EMERGENCY	Reservation of Housing Tax Credit Dollars for Period Other Than Current Calendar Year
350.212 EMERGENCY	Revocation of Reservations

AUTHORITY: Sections 7.24(g), 7.19 and 7.25 of the Illinois Housing Development Act (Ill. Rev. Stat. 1987, ch. 67 1/2, pars. 307.24(g), 307.19 and 307.25).

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NOTICE OF EMERGENCY RULES

SOURCE: Emergency rules adopted at 11 Ill. Reg. 6553, effective March 30, 1987, for a maximum of 150 days; emergency expired August 27, 1987; adopted at 11 Ill. Reg. 19271, effective November 17, 1987; amended at 13 Ill. Reg. 5947, effective April 18, 1989; Part repealed, new Part adopted by emergency action at 14 Ill. Reg. 5827, effective 3/19/90, for a maximum of 150 days.



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## NOTICE OF EMERGENCY RULES

## SUBPART A: GENERAL RULES

Section 350.101 Purpose and Objectives:  
EMERGENCY

This Part is being established to set forth the standards for the allocation of housing tax credit dollars by the Illinois Housing Development Authority as State Housing Credit Agency for the State pursuant to Section 307.24 of the Illinois Housing Development Act (Ch. 67 1/2, Par. 301 et seq., Ill. Rev. Stat.) and Section 42 of the Internal Revenue Code (26 U.S.C., Section 42) for the acquisition, construction and rehabilitation of low-income housing.

Section 350.102 Definitions  
EMERGENCY

"Applicable Fraction": The lower of the unit fraction or the floor space fraction. Unit fraction equals the number of low-income housing units divided by the total number of units in the project, as hereinafter defined. Floor space fraction equals the square footage of the low-income housing units divided by the project's total square footage.

"Authority": The Illinois Housing Development Authority.

"Compliance Period": The period in which the Project, as hereinafter defined, is obligated to provide low-income housing units pursuant to the requirements of the Internal Revenue Code, as hereinafter defined.

"Credit Period": The period of 10 taxable years beginning with the taxable year in which the building is placed in service or at the election of the Sponsor, as hereinafter defined, the succeeding taxable year.

"Governor": The Governor of the State of Illinois.

"Internal Revenue Code": The Internal Revenue Code of 1986 (26 U.S.C. Section 1 et seq.), as amended and supplemented from time to time, including any regulations promulgated and revenue rulings issued thereunder.

"Part": This Part 350.

"Project": The real property, together with all improvements, buildings, equipment and personal property appurtenant thereto, which is the subject of an application for allocation of housing tax credit dollars.

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"Qualified Allocation Plan": The qualified allocation plan required under Section 42 of the Internal Revenue Code.

"Sponsor": The entity receiving housing tax credit dollars pursuant to this Part.

"State": The State of Illinois.

"State Housing Credit Agency": The Illinois Housing Development Authority.

Section 350.103 Compliance with Federal Law  
EMERGENCY

Notwithstanding anything herein to the contrary, this Part shall be construed in conformity and compliance with the Internal Revenue Code. To the extent that this Part conflicts with the Internal Revenue Code, the Internal Revenue Code shall control and prevail.

Section 350.104 Severability  
EMERGENCY

If any clause, sentence, paragraph, subsection, Section, or Subpart of this Part be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subsection, Section, or Subpart thereof as to which such judgment is rendered.

## SUBPART B: LOW-INCOME HOUSING TAX CREDIT ALLOCATIONS

Section 350.201 Tax Credit Issuing Authority  
EMERGENCY

The amount of housing tax credit dollars to be allocated is based on the State's per capita allocation for places other than constitutional home rule units and amounts ceded by constitutional home rule units.

Section 350.202 Allocation Pursuant to Qualified Allocation Plan  
EMERGENCY

The Authority shall not allocate any amount of housing tax credit dollars unless such amount was allocated pursuant to the Authority's Qualified Allocation Plan.



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Section 350.203 Application Process  
EMERGENCY

Any Sponsor may apply for an allocation of housing tax credit dollars by submitting an application to the Authority on forms prescribed by the Authority setting forth the following information:

- a) The name and location of the proposed Project;
- b) The name, address and telephone number of the Sponsor, owner, attorney, architect, contractor and consultant;
- c) A history of the Sponsor's experience in developing housing, and low-income housing in particular;
- d) A complete description of the proposed Project, including but not limited to the number and type of units and a rent schedule and any tenant populations with special housing needs;
- e) A certification from the Sponsor certifying the amount of all Federal, State and local subsidies which apply, or which the Sponsor expects to apply, with respect to the building;
- f) Percentage of low-income units, as defined in Section 42 of the Internal Revenue Code, and the methodology used in estimating this percentage;
- g) The estimated total cost of the proposed Project, including land acquisition, construction, architects' fees, attorneys' fees, title insurance and all other costs associated with the Project;
- h) The amount and status of the proposed financing for the Project, including evidence of a financing commitment from the source of financing;
- i) Dates of the Project's expected construction start, completion and placement into service;
- j) The amount of housing tax credit dollars requested;
- k) A certification from the Sponsor certifying to the Authority that all information contained in the application and accompanying information is true and accurate to the best of Sponsor's knowledge and that the Project will be placed in service; and
- l) The Sponsor shall submit an application fee of \$500.00 with the application for housing tax credit dollars. Upon approval of the

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF EMERGENCY RULES

application for housing tax credit dollars, the Sponsor shall pay a reservation fee of \$500.00 or 5.5% of the amount of the credit reservation, whichever is greater; and

- m) Any additional information which the staff of the Authority may require in order to evaluate the application.

Section 350.204 Notice of Application  
EMERGENCY

Notice of a complete application received by the Authority shall be sent to the chief executive officer (or the equivalent) of the local jurisdiction within which the Project is located. The official will have 10 days from the date of notification in which to comment on the Project.

Section 350.205 Authority Review  
EMERGENCY

Upon receipt of a complete application for housing tax credit dollars, the Authority shall review the application and approve or reject it in whole or in part. In its review of an application, the Authority shall consider, but shall not be limited to considering, the following criteria:

- a) Section 42 Requirements. The ability of the Project to meet the requirements of Section 42 and other applicable sections of the Internal Revenue Code throughout the Compliance Period, based on information contained in the application;
- b) Financial Feasibility. The financial feasibility of the Project, taking into consideration the existing housing in the area in which the Project will be located, the area's housing needs as determined by the Authority, the cost of the Project, the projected income of the Project, and all sources of financing for the Project, including owner's equity;
- c) Sponsor's Ability. The ability of the Sponsor to successfully complete the Project and place it in service, taking into consideration the Sponsor's schedule submitted with the application, the Sponsor's experience in the development and rehabilitation of housing, and the size and scope of the Project;
- d) Unit Configuration. The number of units in the Project, including the number of bedrooms per unit, that meet the area's housing needs, as determined by the Authority;
- e) Location. The geographical location of the Project in relation to other Projects which have been allocated housing tax credit



## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF EMERGENCY RULES

dollars for the calendar year, and whether the Project is located in other than a constitutional home rule unit which has not ceded its housing tax credit dollars to the Authority;

- f) Housing Stock. The ability of the Project to increase the quality and quantity of housing stock and redevelop blighted areas or to prevent the occurrence of slum conditions;
- g) Number of Low-Income Units. Whether the designated number of units for low-income households exceeds the minimum requirements of Section 42 of the Internal Revenue Code;
- h) Involuntary Displacement. The ability of the Sponsor to minimize involuntary displacement of low-income households for rehabilitation Projects taking into consideration the safety of the tenants during rehabilitation, any necessary structural changes, the integrity of the structure and the scope of rehabilitation;
- i) Government Support. Assistance or financial support from Federal, State, or local governmental units;
- j) Non-Profit Participation. Material participation of a qualified nonprofit organization in the development and operation of the Project, as set forth in Section 42(h)(5) of the Internal Revenue Code;
- k) Special Needs Populations. The availability and accessibility of the Project for the physically handicapped, the mentally ill, the developmentally disabled or other special needs populations, in compliance with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Section 794);
- l) Percentage of Housing Tax Credit Dollar Amount. The percentage of the housing tax credit dollar amount to be used for Project costs other than the cost of intermediaries;
- m) Compliance Period. Whether the length of time for which the Project is obligated to serve qualified tenants, pursuant to Section 350.208 of this Part, exceeds the minimum requirement of Section 42 of the Internal Revenue Code;
- n) Lowest Income Tenants. The ability of the Project to serve the lowest income tenants for the county, as determined by the Authority in evaluating the Project's proposed rent schedule;
- o) Public Housing Waiting Lists. The availability of the Project to low-income households who have applied for public housing and

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

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whose name is on a waiting list maintained by a public housing authority; and

- p) Preservation. The ability of the Sponsor to continue to provide low income housing for projects currently eligible to prepaid and be converted to market rate housing.

## Section 350.206 Allocation Amount - Project Feasibility EMERGENCY

The housing tax credit dollar amount allocated to a Project shall not exceed the amount the Authority determines is necessary for the financial feasibility of the Project and its viability as a qualified low-income housing project throughout the Credit Period. The amount of the final housing tax credit dollars allocation for the Project will be the amount the Authority determines to be necessary at the time the building is placed in service. In making its determination of feasibility, the Authority shall consider the sources and uses of funds and the total financing planned for the Project and any proceeds or receipts expected to be generated by reason of tax benefits. The Authority shall make its determination of feasibility at each of the following times:

- a) The application for the housing tax credit dollar amount; and
- b) The conditional reservation of the housing tax credit dollar amount; and
- c) The date the building is placed in service.

## Section 350.207 Approval or Rejection EMERGENCY

- a) Upon completion of its review of an application for housing tax credit dollars, the Authority shall notify the Sponsor in writing of its approval or rejection of the application, in whole or in part, considering the availability of housing tax credit dollars; the need for housing throughout the State, as determined by the Authority, based on census data, social surveys, published data, or on-site inspections; the geographic distribution of housing tax credit dollars throughout the State; the information contained in the application; comments received pursuant to Section 350.204; and the Qualified Allocation Plan.
- b) Upon the approval of the application for housing tax credit dollars, in whole or in part, the Authority shall issue a letter conditionally allocating housing tax credit dollars to the qualified low-income building.



## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF EMERGENCY RULES

c) The conditional letter of reservation shall set forth the terms and conditions upon which the housing tax credit dollars will be allocated to the qualified low-income building, including, but not limited to:

- 1) Full compliance by both the Sponsor and the proposed Project with Section 42 and other applicable sections of the Internal Revenue Code;
- 2) Certification from the Sponsor certifying to the Authority that the Sponsor and the Project are in full compliance with Section 42 and other applicable sections of the Internal Revenue Code and will continue to be in such compliance for such time as required by the Internal Revenue Code; and
- 3) Certification from the Sponsor that there will be no change in the Sponsor or the Sponsor's structure or the structure of the transaction without the prior written approval of the Authority. The Authority shall approve the change if the Sponsor or Sponsor's structure or the structure of the transaction complies with Sections 350.203 and 350.205 of this Part.
- 4) Certification from the Sponsor certifying the amount of all Federal, State and Local subsidies which apply, or which the Sponsor expects to apply with respect to the building.
- 5) Execution of an extended low-income housing commitment agreement pursuant to Section 305.208 of this Part.

Section 350.208 Extended Low-Income Housing Commitment  
EMERGENCY

The Sponsor and the Authority shall enter into an Extended Low-Income Housing Commitment Agreement prior to the Sponsor receiving any allocation of housing tax credit dollars. Pursuant to such Agreement, the Sponsor, and its successors, shall be required to meet the Applicable Fraction of low-income occupancy for an extended use period of at least fifteen (15) years beyond the Compliance Period. The Agreement shall contain any language necessary to comply with the requirements of Section 42 (h)(6) of the Internal Revenue Code and be filed with the Recorder of Deeds in the county where the Project is located as a restrictive covenant on the real property of the Project.

Section 350.209 Project Certification  
EMERGENCY

As of the date the Project is placed in service, the Sponsor shall certify to the Authority as to all amounts of Federal, State and local subsidies

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF EMERGENCY RULES

which apply, or which the Sponsor expects to apply, with respect to the Project. The Sponsor shall further certify as to the Sponsor's and the Project's compliance with Section 42 and other applicable sections of the Internal Revenue Code and provide the Authority with any documentation submitted to the Internal Revenue Service which establishes compliance with the requirements of Section 42 and other applicable sections of the Internal Revenue Code.

Section 350.210 Housing Tax Credit Dollars Allocation  
EMERGENCY

After acceptance of Sponsor's application and receipt by the Authority of all requested documentation, in a format acceptable to the Authority, which establishes to the satisfaction of the Authority that the Sponsor and the Project are in compliance with all the requirements of Section 42 and other applicable sections of the Internal Revenue Code, the Authority shall allocate housing tax credit dollars to the Project.

Section 350.211 Reservation of Housing Tax Credit Dollars for Period Other Than Current Calendar Year  
EMERGENCY

The Authority may approve a Sponsor's application for housing tax credit dollars for a calendar year subsequent to the year of application, thereby reserving the credits from the subsequent year's credit ceiling if the Project meets the requirements of this Part.

Section 350.212 Revocation of Reservations  
EMERGENCY

The Authority reserves the right to revoke reservations of housing tax credit dollars if a Sponsor fails to place the Project in service within the calendar year for which housing tax credit dollars have been reserved, or fails to meet the requirements for a carryover allocation as set forth in Section 42 of the Internal Revenue Code, or if the Project would otherwise not comply with Section 42 and other applicable sections of the Internal Revenue Code or with this Part.



DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

1) The Heading of the Part: MEDICAL ASSISTANCE PROGRAMS

2) Code Citation: 89 Ill. Adm. Code 120

3) Section Numbers: Emergency Action:

- 120.11 Amendment
- 120.31 Amendment
- 120.60 Amendment
- 120.64 Amendment
- 120.390 Amendment
- 120.391 Amendment

4) Statutory Authority: Sections 5-2, 5-4 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Par(s). 5-2, 5-4 and 12-13)

5) Effective Date of Amendments: April 3, 1990

6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable

7) Date Filed in Agency's Principal Office: April 3, 1990

8) Reason for Emergency: This rulemaking incorporates revisions to covered medical services provided needy individuals. As further delay in effectuating these changes would adversely impact on the health and welfare of affected persons, the Department has deemed this a situation requiring emergency action.

9) A Complete Description of the Subjects and Issues Involved: This rulemaking implements Section 6401 of the Omnibus Budget Reconciliation Act of 1989 (42 U.S.C. 1396a) which mandates expansion of the Medicaid Program for pregnant women and for children under age six (6). The Department must provide medicaid coverage to pregnant women and to children under age six (6) with income up to 133% of the Federal poverty level. Current policy provides medicaid coverage to pregnant women and to children under age one (1) year with income up to 100% of the Federal poverty level.

10) Are there any Proposed Amendments pending to this Part? Yes

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section Numbers Proposed Action Illinois Register Citation

- 120.70 Amendment January 12, 1990  
(14 Ill. Reg. 558)
- 120.72 Amendment January 12, 1990  
(14 Ill. Reg. 558)
- 120.76 Amendment January 12, 1990  
(14 Ill. Reg. 558)
- 120.208 Amendment February 23, 1990  
(14 Ill. Reg. 2831)
- 120.308 Amendment February 23, 1990  
(14 Ill. Reg. 2831)
- 120.235 Amendment March 16, 1990  
(14 Ill. Reg. 4081)
- 120.281 Amendment March 16, 1990  
(14 Ill. Reg. 4081)

11) Statement of Statewide Policy Objectives: This rulemaking has no effect on local government units.

12) Information and questions regarding these Emergency Amendments shall be directed to:

Name: Anita Williams, Staff Attorney  
Office of the General Counsel

Address: Illinois Department of Public Aid  
Jesse B. Harris Building II,  
100 South Grand Avenue East, 3rd Floor  
Springfield, Illinois 62762

Telephone: 217/782-1233

The full text of the Emergency Amendments begins on the next page:



## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120  
MEDICAL ASSISTANCE PROGRAMS

## SUBPART A: GENERAL PROVISIONS

Section  
120.1

Incorporation By Reference

## SUBPART B: ASSISTANCE STANDARDS

Section  
120.10  
120.11  
EMERGENCY

Eligibility For Medical Assistance  
Eligibility For Medical Assistance For Pregnant  
Women and Infants-Children Under Age One-Year-Six  
Who Do Not Qualify As Mandatory Categorically Needy  
MANG(AABD) Income Standard (Emergency Expired)  
MANG(C) Income Standard  
MANG(P) Income Standard

EMERGENCY  
120.20  
120.30  
120.31  
EMERGENCY  
120.40  
120.50

Exceptions To Use Of MANG Income Standard  
AMI Income Standard

## SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section  
120.60  
EMERGENCY

All Cases Other Than Intermediate Care, Skilled  
Nursing Care, DMHDD, DMHDD Approved Community Based  
Settings and Pregnant Women and Infants-Children  
Under Age One-Year Six (6) Who Do Not Qualify As  
Mandatory Categorically Needy

Cases in Intermediate Care, Skilled Nursing Care and  
DMHDD - MANG(AABD) and MANG(C) (Emergency Expired)  
Department of Mental Health and Developmental  
Disabilities (DMHDD) Approved Home and Community  
Based Residential Settings Under 89 Ill. Adm. Code  
140.643

120.61  
120.62  
120.63

Department of Mental Health and Developmental  
Disabilities (DMHDD) Approved Home and Community  
Based Residential Settings

120.64  
EMERGENCY

Pregnant Women and Infants-Children Under Age One-  
Year-Six Years Who Do Not Qualify As Mandatory  
Categorically Needy

## SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

Section  
120.70  
120.72  
120.74  
120.76

Supplementary Medical Insurance Benefits, Buy-In  
Program  
Eligibility for Medicare Cost Sharing as a  
Qualified Medicare Beneficiary (QMB)  
Qualified Medicare Beneficiary (QMB) Income  
Standard  
Hospital Insurance Benefits (HIB)

## SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section  
120.80

Recipient Restriction Program  
SUBPART F: MIGRANT MEDICAL PROGRAM

Section  
120.90  
120.91

Migrant Medical Program  
Income Standards

## SUBPART G: AID TO THE MEDICALLY INDIGENT

Section  
120.208  
120.210  
120.211  
120.212  
120.215  
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120.275

Client Cooperation  
Citizenship  
Residence

Age  
Relationship  
Living Arrangement  
Supplemental Payments  
Institutional Status  
Foster Care Program  
Social Security Numbers  
Unearned Income  
Exempt Unearned Income  
Education Benefits  
Unearned Income In-Kind  
Earmarked Income  
Lump Sum Payments and Income Tax Refunds  
Protected Income  
Earned Income  
Budgeting Earned Income  
Exempt Earned Income  
Recognized Employment Expenses  
Income From Work/Study/Training Program  
Earned Income From Self-Employment  
Earned Income From Roomer and Boarder  
Earned Income In-Kind



## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

Section  
120.276 Payments from the Illinois Department of Children  
and Family Services  
Assets  
120.280 Exempt Assets  
120.281 Asset Disregards  
120.282 Deferral of Consideration of Assets  
120.283 Spend-down of Assets (AMI)  
120.284 Property Transfers (Emergency Expired)  
120.285 Persons Who May Be Included in the Assistance Unit  
120.290 Payment Levels for AMI  
120.295

## SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section  
120.308 Client Cooperation  
120.309 Caretaker Relative  
120.310 Citizenship  
120.311 Residence  
120.312 Age  
120.313 Blind  
120.314 Disabled  
120.315 Relationship  
120.316 Living Arrangements  
120.317 Supplemental Payments  
120.318 Institutional Status  
120.319 Assignment of Rights to Medical Support and  
Collection of Payment  
120.320 Cooperation in Establishing Paternity and Obtaining  
Medical Support  
120.321 Good Cause for Failure to Cooperate in Establishing  
Paternity and Obtaining Medical Support  
120.322 Proof of Good Cause for Failure to Cooperate in  
Establishing Paternity and Obtaining Medical Support  
120.323 Suspension of Paternity Establishment and Obtaining  
Medical Support Upon Finding Good Cause  
120.324 Foster Care Program  
120.325 Social Security Numbers  
120.330 Unearned Income  
120.332 Budgeting Unearned Income  
120.335 Exempt Unearned Income  
120.336 Education Benefits  
120.338 Incentive Allowance  
120.340 Unearned Income In-Kind  
120.342 Court Ordered Child Support Payments of Parent/Step-  
Parent  
120.345 Earmarked Income  
120.346 Medicaid Qualifying Trusts

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

Section  
120.350 Lump Sum Payments and Income Tax Refunds  
120.355 Protected Income  
120.360 Earned Income  
120.361 Budgeting Earned Income  
120.362 Exempt Earned Income  
120.364 Earned Income Exemption  
120.366 Exclusion From Earned Income Exemption  
120.370 Recognized Employment Expenses  
120.371 Income From Work/Study/Training Programs  
120.372 Earned Income From Self-Employment  
120.373 Earned Income From Roomer and Boarder  
120.375 Earned Income In Kind  
120.376 Payments from the Illinois Department of Children  
and Family Services  
120.379 Assessment of Assets (Emergency Expired)  
120.380 Assets  
120.381 Exempt Assets  
120.382 Asset Disregard  
120.383 Deferral of Consideration of Assets  
120.384 Spend-down of Assets (MANG)  
120.385 Property Transfers for Applications Filed Prior to  
October 1, 1989 (Emergency Expired)  
120.386 Property Transfers Effective for Applications Filed  
on or After October 1, 1989 (Emergency Expired)  
120.390 Persons Who May Be Included in the Assistance Unit  
EMERGENCY  
120.391 Individuals Under Age 18 Who Do Not Qualify For  
AFDC/AFDC-MANG And ~~Infants~~-Children Under Age One-  
Year-Six  
120.392 Pregnant Women Who Would Not Be Eligible For  
AFDC/AFDC-MANG If The Child Were Already Born Or Who  
Do Not Qualify As Mandatory Categorically Needy  
120.393 Pregnant Women And Children Under Age Eight Years  
Who Do Not Qualify As Mandatory Categorically Needy  
Demonstration Project.  
120.395 Payment Levels for MANG  
120.399 Redetermination of Eligibility

AUTHORITY: Implementing Articles III, IV, V, VI and VII and  
authorized by Section 12-13 of the Illinois Public Aid Code  
(Ill. Rev. Stat. 1987, Ch. 23, Pars. 3-1 et seq., 4-1 et seq.,  
5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory  
amendment at 2 Ill. Reg. 17, p. 117, effective February 1,  
1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5,



## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10888, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg.



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12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

## SUBPART B: ASSISTANCE STANDARDS

Section 120.11  
EMERGENCY

Eligibility For Medical Assistance For  
Pregnant Women and Infants Children Under  
Age One-year Six Who Do Not Qualify As  
Mandatory Categorically Needy

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

Section 120.11  
EMERGENCY

Eligibility For Medical Assistance For  
Pregnant Women and Infants Children Under  
Age One-year Six Who Do Not Qualify As  
Mandatory Categorically Needy (Cont'd)

a) Pregnant Women who do not qualify as Mandatory  
Categorically Needy

- 1) Eligibility for medical assistance exists for a pregnant woman of any age who does not qualify as mandatory categorically needy (Subsections 1902(a)(10)(A)(i) and 1905(n) of the Social Security Act):
  - A) who meets the non-financial requirements of the program in Section 120.211;
  - B) whose countable assets do not exceed the MANG(P) asset disregard amount (see Section 120.382); and
  - C) whose countable monthly income exceeds the MANG(P)-of-MANG(P) income standard (see Sections 120.20-and-120.30)-but does not exceed the MANG(P) Income Standard (see Section 120.31).
- 2) The pregnant woman shall be eligible to receive medical assistance until sixty (60) days following the last day of pregnancy. The sixty (60) day medical coverage continues through the last day of the calendar month in which the sixty (60) days period ends. The sixty (60) days medical coverage period shall be provided for all pregnant women determined eligible for medical assistance under subsection (a)(1) above including pregnant women who are no longer pregnant at the time of application because the woman had a miscarriage or an abortion or signed an adoption agreement.
- 3) When a pregnant woman is determined eligible for medical assistance under (a)(1) above, income changes occurring after the eligibility determination are not considered through the 60 day postpartum period following the last day of pregnancy.



## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

Section 120.11  
EMERGENCY

Eligibility For Medical Assistance For Pregnant Women and Infants Children Under Age One-Year Six Who Do Not Qualify As Mandatory Categorically Needy (Cont'd)

- 4) If countable assets exceed the MANG(P) asset disregard amount (see Section 120.382) after the case is determined eligible under subsection (a)(1) above, the pregnant woman is ineligible
  - b) Infants Children under age one six who do not qualify as Mandatory Categorically Needy
    - 1) Eligibility for medical assistance exists for an infant children under age one-six year six (6) who do not qualify as mandatory categorically needy (Subsection 1902(a)(10)(A)(i) and 1905(n) of the Social Security Act:
      - A) who meets the non-financial requirements of the program in Section 120.211;
      - B) whose countable assets do not exceed the MANG(P) asset disregard amount (see Section 120.382); and
      - C) whose countable monthly income exceeds the MANG(C) or MANG(AABD) income standards (Sections 120.20 and 120.30) but does not exceed the MANG(P) income standard (see Section 120.31).

- 2) The infant Children under age six (6) shall be eligible to receive medical assistance under subsection (b)(1) above
  - A) only from the date of birth for up to age six (6) one-six-year, or;
  - B) up to age six (6) if an application is approved for medical assistance; or
  - B)(C) until countable assets exceed the MANG(P) asset disregard amount (see Section 120.382), or;
  - e)(D) until countable monthly income exceeds the

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

Section 120.11  
EMERGENCY

Eligibility For Medical Assistance For Pregnant Women and Infants Children Under Age One-Year Six Who Do Not Qualify As Mandatory Categorically Needy (Cont'd)

MANG(P) income standard (see Section 120.31), whichever comes first.

- 3) When the Department becomes aware of the birth of a child(ren) to a woman determined eligible under subsection (a)(1) above, the child shall be deemed to have applied for medical assistance under subsection (b)(1) above, without written request. The infants child(ren) shall be eligible to receive medical assistance for the same period of time the mother is receiving medical assistance.
  - 4) When the infants child's mother becomes ineligible for medical assistance under subsection (a) above, the infant retains eligibility for medical assistance until
    - A) up to age one (1) year, or;
    - B) up to age six (6) if an application is approved for medical assistance; or
    - B)(C) countable assets exceed the MANG(P) asset disregard amount (see Section 120.382, or;
    - e)(D) countable monthly income exceeds the MANG(P) income standard (see Section 120.31), whichever comes first.
  - B)(E) if an application is later approved for financial assistance, the infant child is ineligible for medical assistance under this subsection.
- 5) When an infant a child is determined eligible for medical assistance under this subsection and there is a change in income which causes countable monthly income to exceed the MANG(P) income standard (see Section 120.31), the infant child is ineligible for medical assistance under this subsection. Countable income must then be



## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

Section 120.11  
EMERGENCY

Eligibility For Medical Assistance For Pregnant Women and Infants Children Under Age One-Year Six Who Do Not Qualify As Mandatory Categorically Needy (Cont'd)

compared to the MANG(C) or MANG(AABD) income standard (see Section 120.20, 120.30) to determine the spend-down amount, if any.

(Source: Emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days)

Section 120.31  
EMERGENCY

## MANG(P) Income Standard

Number in Family	Countable		Number in Family	Countable	
	Monthly Income	Monthly Income		Monthly Income	Monthly Income
1	\$-498	\$1178	5		
2	668	1348	6		
3	838	1518	7		
4	1008	1688	8		

a) When the number in the household unit exceeds the number provided above, add \$170 for each additional person. If the household's countable monthly income exceeds the MANG(P) standard, eligibility for MANG(P) does not exist.

b) MANG(P) is available to pregnant women and infants children under age one-year six (6) who do not qualify as mandatory categorically needy (Subsection 1902(a)(10)(A)(i) and 1905(n) of the Social Security Act) whose non-exempt countable income exceeds the MANG(P) income standard (Section 120.30) but does not exceed the MANG(P) income standard. The MANG(P) income standard shall be 133% of the MANG(P) income standard but shall not exceed 100% of the current Federal Poverty Level Income Guidelines, as published annually in the Federal Register. If the household's countable monthly income exceeds the

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## NOTICE OF EMERGENCY AMENDMENTS

Section 120.31  
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## MANG(P) Income Standard (Cont'd)

MANG(P) standard, eligibility for MANG(P) does not exist.

e) MANG(P) is available for a pregnant woman, of any age, who meets the asset standard and countable monthly income for the household does not exceed the MANG(P) income standard. If the pregnant woman is married and her spouse lives with her or if she has dependent children age one six (6) or older, her pregnancy does not make her spouse and/or dependent children age one six (6) or older eligible for MANG(P). The pregnant woman and her spouse's income are combined and compared to the MANG(P) standard for the number of persons in the family even though only the pregnant woman is eligible to receive MANG(P). An unborn child is counted as a family member.

d) MANG(P) is available for infants children up to age one-year six (6) who meet the MANG(P) asset standard and countable monthly income for the household does not exceed the MANG(P) income standard.

e) When financial eligibility for MANG(P) is being determined for an infant a child under age one-year six (6) only, the household's income is combined and compared to the MANG(P) income standard for the family size, including unborn children.

f) When financial eligibility for MANG(P) is being determined for a pregnant woman who meets the requirements for MANG(P), income is considered in the following manner:

- 1) Income is considered for the month of application. When eligibility exists for the month of application, MANG(P) coverage is authorized beginning with the month of application. Income changes occurring after the month of application are not considered through the 60 day period following the last day of pregnancy.
- 2) Income is considered for the month following the month of application when the pregnant woman is income ineligible for the month of application.



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## MANG(P) Income Standard (Cont'd)

If eligibility exists for the month following the month of application, MANG(P) coverage is authorized beginning with the month following the month of application. Income changes occurring after the month following the month of application are not considered through the 60 day period following the last day of pregnancy.

- 3) When the case is income ineligible for the month of application and the month following the month of application, financial eligibility is determined under Sections 120.10 and 120.60.
- 4) When determining income eligibility for a backdated month (up to three months before the month of application), the case-client is eligible for medical coverage ~~for each~~ beginning with the month income is at or below the MANG(P) Income Standard. Income changes occurring after the month of authorization are not considered through the 60 day period following the last day of pregnancy.

(Source: Emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days)

## SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section 120.60 All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, DMHDD Approved Community Based Settings and Pregnant Women and ~~Infants~~ Children Under Age One ~~Year~~ Six (6) Who Do Not Qualify As Mandatory Categorically Needy

## EMERGENCY

The following subsections apply to all cases other than those receiving care in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Care Facilities, Department of Mental Health and Developmental Disabilities (DMHDD) Facilities, or DMHDD approved community based residential settings under 89 Ill. Adm. Code 140.643 or pregnant women and infants under age one year who do not qualify as mandatory categorically needy.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

Section 120.60 All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, DMHDD Approved Community Based Settings and Pregnant Women and ~~Infants~~ Children Under Age One ~~Year~~ Six (6) Who Do Not Qualify As Mandatory Categorically Needy (Cont'd)

## EMERGENCY

- a) The eligibility period for MANG (AABD) and MANG(C) is one (1) month. The eligibility period shall begin with:
  - 1) the first day of the month of application, or
  - 2) the first day of any month prior to the month of application that the client meets non-financial eligibility requirements up to three months prior to the month of application, if the client so desires, or
  - 3) the first day of a month after the month of application that the client meets non-financial eligibility requirements.
- b) The eligibility period for AMI is six (6) months. The eligibility period shall begin with:
  - 1) the first day of the month of application, or
  - 2) the first day of the month prior to the month of application, if the client meets non-financial eligibility requirements and if the client so desires, or
  - 3) the first day of a month after the month of application that the client meets non-financial eligibility requirements.
- c) Eligibility Without Spend-down for MANG (AABD), MANG(C) and AMI
  - 1) If the client's nonexempt income (Sections 120.220, 120.227, 120.325, and 120.342) available during the eligibility period is equal to or below the applicable MANG or AMI Standard (Sections 120.20 and 120.50), and non-exempt assets are not in excess of the applicable asset disregard (Sections 120.282 and 120.382) the



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## NOTICE OF EMERGENCY AMENDMENTS

Section 120.60 All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, DMHDD Approved Community Based Settings and Pregnant Women and Infants Children Under Age One Year Six (6) Who Do Not Qualify As Mandatory Categorically Needy (Cont'd)

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client is eligible for Medical Assistance from the first day of the eligibility period. Covered services received during the entire eligibility period will be paid for by the Department.

- 2) The client is responsible to report any changes that occur during the eligibility period which might affect eligibility for Medical Assistance. If changes occur, appropriate action shall be taken by the Department, including termination of eligibility for Medical Assistance. If changes in income, assets or family composition occur which would make the client a spend-down case, a spend-down obligation will be determined and the subsections in (d) below will apply.

- 3) For MANG(C) and MANG(AABD), a full redetermination of eligibility will be made every twelve (12) months. For AMI, clients wishing continued Medical Assistance after the six (6) month eligibility period must reapply for Medical Assistance.

d) Eligibility with Spend-down for MANG (AABD), MANG(C), and AMI

- 1) If the client's nonexempt income available during the applicable eligibility period is greater than the applicable MANG or AMI Standard and/or non-exempt assets are over the applicable asset disregard, the client must meet the spend-down obligation determined for the eligibility period before becoming eligible to receive Medical Assistance. The spend-down obligation is the sum of the amount by which the client's non-exempt income exceeds the MANG or AMI Standard and the amount of non-exempt assets in excess of the applicable asset disregard.

- 2) The client meets the spend-down obligation by

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

Section 120.60 All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, DMHDD Approved Community Based Settings and Pregnant Women and Infants Children Under Age One Year Six (6) Who Do Not Qualify As Mandatory Categorically Needy (Cont'd)

EMERGENCY

incurring or paying for medical expenses in an amount equal to the spend-down obligation.

- A) Medical expenses shall be applied to the spend-down obligation in chronological order.
- B) Medical expenses incurred prior to the eligibility period may be considered for purposes of spend-down to the extent that the client makes payments on them during the eligibility period or to the extent the medical bills remain the responsibility of the client.

- 3) After application for Medical Assistance, the client will be notified in writing of the spend-down obligation. The client will also be notified of the six-month enrollment period, the time in which no new application is necessary. When proof of incurred medical expenses equal to the spend-down obligation is provided to the local office, eligibility for Medical Assistance shall begin effective the first day that the spend-down obligation is met. Covered services received from that date until the end of the eligibility period will be paid for by the Department. The client shall be responsible directly to the provider for payment for services provided prior to the time client meets the spend-down obligation.

- A) If one bill for medical expenses incurred on a certain date is more than enough to equal the spend-down obligation, part of the bill will be used to meet the spend-down obligation and the Department will price the bill to determine the Department's liability, if any. The Department shall be liable only if the Department rate is greater than that part of the bill used to



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## NOTICE OF EMERGENCY AMENDMENTS

Section 120.60 All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, DMHDD Approved Community Based Settings and Pregnant Women and Infants Children Under Age One Year Six (6) Who Do Not Qualify As Mandatory Categorically Needy (Cont'd)

EMERGENCY

meet spend-down and only for the difference between those two amounts.

- B) If more than one bill for medical expenses incurred on the same date would be enough to equal or exceed the spend-down obligation, medical expenses shall be applied to the spend-down obligation in the following order:

- i) Medicare and other health insurance premiums, deductibles or coinsurance charges;
- ii) medical expenses for services recognized under State law but not included in the State plan;
- iii) medical expenses for services included in the State plan. Once medical expenses are applied towards the spend-down obligation, the order of application shall not be changed.

- C) If a service is provided during the eligibility period but payment may be made by a third party, such as an insurance company, the medical expense will not be considered towards spend-down until the bill is adjudicated. When adjudicated, that part determined to be the responsibility of the client shall be considered as incurred on the date of service.

- 4) Prior to the end of the six-month enrollment period all clients, whether or not the spend-down obligation has been met, shall be notified in writing that enrollment will end on a certain date. The client will also be informed by this notice that if he or she wishes continued Medical Assistance, a reapplication must be filed. Upon

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Section 120.60 All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, DMHDD Approved Community Based Settings and Pregnant Women and Infants Children Under Age One Year Six (6) Who Do Not Qualify As Mandatory Categorically Needy (Cont'd)

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reapplication, a new six-month enrollment period will be established (assuming non-financial factors of eligibility are met), and, if appropriate, a new spend-down obligation will be created. If the client files a reapplication prior to four (4) months after the end of the initial six-month enrollment period, the client will be sent through a special, abbreviated intake procedure making use of current case record materials to verify factors of eligibility not subject to change.

- 5) The client is responsible to report any changes that occur during the six-month enrollment period which might affect eligibility for Medical Assistance. If changes occur, appropriate action shall be taken by the Department, including termination of eligibility for Medical Assistance.

- 6) If changes in income, assets or family composition occur, appropriate adjustments to the spend-down obligation and date of eligibility for Medical Assistance shall be made by the Department. The client will be notified in writing of the new spend-down obligation.

- A) If income decreases or assets fall below the applicable asset disregard and, as a result, the client has already met the new spend-down obligation, eligibility for Medical Assistance shall be back-dated to the appropriate date.

- B) If income or assets increase, and, as a result, the client has not produced proof of incurred medical expenses equal to the new spend-down obligation, the written notification of the new spend-down amount will also inform the client that he or she will no longer receive a Medical Eligibility



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## NOTICE OF EMERGENCY AMENDMENTS

Section 120.60 All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, DMHDD Approved Community Based Settings and Pregnant Women and ~~Infants~~ Children Under Age ~~One~~ ~~Year~~ Six (6) Who Do Not Qualify As Mandatory Categorically Needy (Cont'd)  
EMERGENCY

Card and eligibility for Medical Assistance will be interrupted until proof of medical expenses equal to the new spend-down obligation is produced.

(Source: Emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days)

Section 120.64 Pregnant Women and ~~Infants~~ Children Under Age ~~One-Year~~ Six Years Who Do Not Qualify As Mandatory Categorically Needy  
EMERGENCY

The following subsections apply to MANG(P) cases clients:

a) ~~A one-month-eligibility-period-is-used-for-MANG(P)-cases.~~ The eligibility period for a MANG(P) case client shall begin with:

- 1) the first day of the month of application, or;
- 2) the first day of any month prior to the month of application if the client so desires up to three months prior to the month of application, or;
- 3) the first day of the month after the month of application, or;
- 4) the first day of a month a ~~MANG(P)~~ pregnant woman and/or ~~infant~~ child under age ~~one-~~(1)~~-year~~ six (6) years meets the requirements of Sections 120.11 and 120.31.

b) The pregnant woman shall be eligible to receive medical assistance until sixty (60) days following the last day of pregnancy. The sixty (60) day medical coverage continues through the last day of the calendar month in which the sixty (60) day period ends. The sixty (60) day medical coverage period shall be provided for all pregnant women determined

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Section 120.64 Pregnant Women and ~~Infants~~ Children Under Age ~~One-Year~~ Six Years Who Do Not Qualify As Mandatory Categorically Needy (Cont'd)  
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eligible for medical assistance under Section 120.11(a)(1) above including pregnant women who are no longer pregnant at the time of application because the woman had a miscarriage or an abortion or signed an adoption agreement.

c) ~~An-infant~~ Children shall be eligible to receive medical assistance ~~until:~~

- 1) only from the date of birth for up to age one (1) year, or;
- 2) up to age six (6) if an application is approved for medical assistance, or
- 3) until countable assets exceed the MANG(P) asset disregard amount (see Section 120.382), or;
- 3) MANG(P) income standard (see Section 120.31), whichever comes first.

AGENCY NOTE: An-infant A newborn child is automatically eligible to receive medical assistance for the same period of time the mother is receiving medical assistance.

d) Covered services received during the entire eligibility period will be paid by the Department (see 89 Ill. Adm. Code 140.3).

e) A redetermination of eligibility for MANG(P) will be made every twelve (12) months for children under age six (6).

e)f) The client is responsible to report any changes that occur during the eligibility period which might affect eligibility for MANG(P). If changes in income or family composition occur which would make the client ineligible for MANG(P), appropriate action shall be taken by the Department, including evaluation of eligibility for other programs or termination of eligibility for medical assistance. Income changes



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Section 120.64

EMERGENCY Pregnant Women and Infants Children Under Age One-Year Six Years Who Do Not Qualify As Mandatory Categorically Needy (Cont'd)

occurring after a pregnant woman is determined eligible for MANG(P) coverage are not considered through the 60 day post-partum period following the last day of pregnancy.

f)g) MANG(P) cases clients shall be eligible without a spend-down obligation amount.

g)h) A review of case eligibility for MANG(C) will be conducted for a pregnant woman and continued MANG(P) eligibility for the infant newborn child will be conducted during the second month of the sixty (60) day extended medical coverage period. If eligible, appropriate-action-shall-be-taken-by-the-department-the case shall be transferred by the Department to the appropriate program without interruption in benefit eligibility. If ineligible, the Department shall notify the client in writing.

h)i) A review of case eligibility for MANG(C) will be conducted when an infant a child is eleven-~~th~~ five years and ten (10) months old. If the infant child is eligible for MANG(C), appropriate-action-shall-be-taken-by-the-department-the case shall be transferred by the Department without interruption in benefit eligibility. If ineligible, written notification shall be provided to the client.

(Source: Emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days)

## SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section 120.390

EMERGENCY Persons Who May Be Included In the Assistance Unit

a) MANG(C)

- 1) The assistance unit must include at least one eligible child or only an adult(s) caretaker relative whose eligibility is based on a child who is otherwise eligible except the child receives SSI. No more than two of the following individuals may be included as adults:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

Section 120.390

EMERGENCY Persons Who May Be Included In the Assistance Unit (Cont'd)

A) The caretaker relative;

B) The parent of an eligible child;

C) The needy relative other than the caretaker relative who provides at least one of the following services:

i) child care which enables the caretaker relative to work on a full-time (at least 100 hours per month) paid basis outside the home;

ii) care for an incapacitated family member in the home;

iii) child care that enables a caretaker relative to receive training full-time;

iv) child care that enables a caretaker relative to attend high school or General Educational Development (GED) classes full-time; or

v) child care for a period not to exceed two months that enables the caretaker relative to participate in a Project Chance (APDC) work program such as Job Search.

- 2) The eligibility of a child in a Assistance unit depends on that child's lack of parental support or care. All eligible dependent children and stepchildren in a family unit shall be included in a single case, except in two-parent households where there are children of differing parentage, some of whom lack parental support or care because of the unemployment of a parent. In such a circumstance two separate assistance cases shall be established: one for both adults and children whose eligibility



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Section 120.390  
EMERGENCY

Persons Who May Be Included In the Assistance Unit (Cont'd)

derives from their parent's unemployment and one for the remaining children. The provisions of this Section shall not affect the right of a child who is a parent to receive assistance in a separate case as a caretaker relative for his/her dependent child.

## b) MANG(AABD)

The eligible person only shall be included in the assistance unit.

## c) MANG(P)

The assistance unit shall only include pregnant women and infants-children under age one-year-six (6) who meet the eligibility requirements of Section 120.11.

(Source: Emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days)

Section 120.391  
EMERGENCY

Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Infants Children Under Age One-Year Six

## a) Individuals Under Age 18

- 1) Medical assistance shall be provided to individuals under age eighteen (18) who do not qualify for AFDC under the definition of dependent child as defined in 89 Ill. Adm. Code 101.20 and 112.61 through 112.64. However, such individuals must meet the eligibility requirements and other provisions of 89 Ill. Adm. Code 112.10, 112.20, Part 112: Subpart C.
- 2) If non-exempt countable income (see Sections 120.360 thru 120.375) is equal to or less than the appropriate MANG (AFDC) standard, (see Section 120.30) the individual is eligible for payment of his/her allowable medical care costs (see 89 Ill. Adm. Code 140.3).

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Section 120.391  
EMERGENCY

Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Infants Children Under Age One-Year Six (Cont'd)

- 3) Persons whose income exceeds the appropriate MANG (AFDC) standard are eligible for medical assistance each month incurred or paid medical care costs equal the amount of excess non-exempt income over the standard. When income exceeds the MANG (AFDC) standard, eligibility begins on the day in the month incurred or paid medical care costs equals excess monthly income. Eligibility ends on the last day of the same month.

b) Infants Children Under Age One-Year Six

Medical assistance shall be provided to infants children under age one-year six (6) who do not qualify as mandatory categorically needy (Sections 1902(a)(10)(A)(i) and 1905(n) of the Social Security Act) and meet the eligibility requirements of Sections 120.11, 120.31, 120.64.

(Source: Emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days)



## ILLINOIS REGISTER

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENT

1) The Heading of the Part: MEDICAL PAYMENT2) Code Citation: 89 Ill. Adm. Code 1403) Section Number: Emergency Action:  
140.7 Amendment4) Statutory Authority: Section 5-5.1 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 5-5.1 et. seq. and 12-13)5) Effective Date of Emergency Amendment: April 3, 19906) If this Emergency Amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable7) Date Filed in Agency's Principal Office: April 3, 19908) Reason for Emergency: This rulemaking incorporates revisions to covered medical services provided needy individuals. As further delay in effectuating these changes would adversely impact on the health and welfare of affected persons, the Department has deemed this a situation requiring emergency action.9) A Complete Description of the Subjects and Issues Involved: This rulemaking implements Section 6401 of the Omnibus Budget Reconciliation Act of 1989 (42 U.S.C. 1396a) which mandates expansion of the Medicaid program for pregnant women and for children under age six (6). The Department must provide medicaid coverage to pregnant women and to children under age six (6) with income up to 133% of the Federal poverty level. Current policy provides medicaid coverage to pregnant women and to children under age one (1) year with income up to 100% of the Federal poverty level.10) Are there any Proposed Amendments pending to this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
140.24	Amendment	April 13, 1990 (14 Ill. Reg. 5417)
140.400	Amendment	February 2, 1990 (14 Ill. Reg. 1737)

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Section Numbers	Proposed Action	Illinois Register Citation
140.413	Amendment	March 23, 1990 (14 Ill. Reg. 4860)
140.420	Amendment	January 26, 1990 (14 Ill. Reg. 1570)
140.421	Amendment	January 26, 1990 (14 Ill. Reg. 1570)
140.435	Amendment	February 2, 1990 (14 Ill. Reg. 1737)
140.436	Amendment	February 2, 1990 (14 Ill. Reg. 1737)
140.475	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.476	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.477	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.478	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.479	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.480	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.481	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.525	Amendment	November 17, 1989 (13 Ill. Reg. 17667)
140.526	Amendment	November 17, 1989 (13 Ill. Reg. 17667)
140.528	Amendment	November 17, 1989 (13 Ill. Reg. 17667)



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<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.542	Amendment	March 16, 1990 (14 Ill. Reg. 4415)
140.543	Amendment	March 16, 1990 (14 Ill. Reg. 4415)
140.544	Repealed	March 16, 1990 (14 Ill. Reg. 4415)
140.545	Amendment	March 16, 1990 (14 Ill. Reg. 4415)
140.565	Repealed	November 17, 1989 (13 Ill. Reg. 17667)
140.566	Repealed	November 17, 1989 (13 Ill. Reg. 17667)
140.567	Repealed	November 17, 1989 (13 Ill. Reg. 17667)
140.568	Repealed	November 17, 1989 (13 Ill. Reg. 17667)
140.642	Amendment	March 2, 1990 (14 Ill. Reg. 3019)
140.646	Amendment	March 16, 1990 (14 Ill. Reg. 4415)
140.647	Amendment	March 16, 1990 (14 Ill. Reg. 4415)
140.648	Amendment	March 16, 1990 (14 Ill. Reg. 4415)
140.649	Amendment	March 16, 1990 (14 Ill. Reg. 4415)
140.650	Amendment	March 16, 1990 (14 Ill. Reg. 4415)
140.652	Amendment	March 16, 1990 (14 Ill. Reg. 4415)

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<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.Table D	Amendment	January 26, 1990 (14 Ill. Reg. 1570)
140.Table H	Amendment	March 2, 1990 (14 Ill. Reg. 3019)
11) Statement of Statewide Policy Objectives: This rulemaking has no effect on local government units.		
12) Information and questions regarding this Emergency Amendment shall be directed to:		

Name:

Anita Williams, Staff Attorney  
Office of the General Counsel

Address:

Illinois Department of Public Aid  
Jesse B. Harris Building II  
100 South Grand Avenue East, 3rd Flr.  
Springfield, Illinois 62762

Telephone:

(217) 782-1233

The full text of the Emergency Amendment begins on the next page:



## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140  
MEDICAL PAYMENT

## SUBPART A: GENERAL PROVISIONS

## Section

140.1  
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Incorporation By Reference  
Medical Assistance Programs  
Covered Services Under The Medical Assistance  
Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP,  
Individuals Under Age 18 Not Eligible for AFDC,  
Pregnant Women Who Would Be Eligible if the Child  
Were Born and Pregnant Women and Infants Under Age  
One Year Who Do Not Qualify As Mandatory  
Categorically Needy  
Covered Medical Services Under AFDC-MANG for  
non-pregnant persons who are 18 years of age or  
older (Repealed)

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140.8

140.9

Covered Medical Services Under GA and AMI  
Medical Services Not Covered  
Medical Assistance Provided to Individuals Under the  
Age of Eighteen Who Do Not Qualify for AFDC and  
Infants-Children Under Age One-year-Six  
Medical Assistance For Qualified Severely Impaired  
Individuals  
Medical Assistance for a Pregnant Woman Who Would  
Not Be Categorically Eligible for AFDC/AFDC-MANG if  
the Child Were Already Born Or Who Do Not Qualify As  
Mandatory Categorically Needy  
Medical Assistance Provided to Incarcerated Persons

140.10

## SUBPART B: MEDICAL PROVIDER PARTICIPATION/DRUG MANUAL

## Section

140.11  
140.12  
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140.14

Enrollment Conditions for Medical Providers  
Participation Requirements for Medical Providers  
Definitions  
Denial of Application to Participate in the Medical  
Assistance Program

140.15

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Recovery of Money  
Termination of a Vendor's Eligibility to Participate  
in the Medical Assistance Program  
Suspension of a Vendor's Eligibility to Participate  
in the Medical Assistance Program

## DEPARTMENT OF PUBLIC AID

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## Section

140.18

Effect of Termination on Individuals Associated with  
Vendor

140.19

Application to Participate or for Reinstatement  
Subsequent to Termination, Suspension or Barring  
Submittal of Claims

140.20

140.21

Covered Medicaid Services for Qualified Medicare  
Beneficiaries (QMBs)

140.22

Magnetic Tape Billings

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Payment of Claims

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Payment Procedures

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Overpayment or Underpayment of Claims

140.26

Payment to Factors Prohibited

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Assignment of Vendor Payments

140.28

Record Requirements for Medical Providers

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Audits

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False Reporting and Other Fraudulent Activities

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Prior Approval for Medical Services or Items

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Prior Approval in Cases of Emergency

140.42

Limitation on Prior Approval

140.43

Post Approval for Items or Services When Prior  
Approval Cannot Be Obtained

140.71

Drug Manual (Recodified)

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Drug Manual (Recodified)

140.73

Drug Manual Updates (Recodified)

## SUBPART C: HOSPITAL SERVICES

## Section

140.94

Hospital Services (Recodified)

140.95

Participation (Recodified)

140.96

General Requirements (Recodified)

140.97

Special Requirements (Recodified)

140.98

Covered Hospital Services (Recodified)

140.99

Hospital Services Not Covered (Recodified)

140.100

Limitation On Hospital Services (Recodified)

140.101

Transplants (Recodified)

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Heart Transplants (Recodified)

140.103

Liver Transplants (Recodified)

140.104

Bone Marrow Transplants (Recodified)

140.110

Disproportionate Share Hospital Adjustments  
(Recodified)

140.116

Payment for Inpatient Services for GA (Recodified)

140.117

Hospital Outpatient and Clinic Services (Recodified)

140.200

Payment for Hospital Services During Fiscal Year  
1982 (Recodified)

140.201

Payment for Hospital Services After June 30, 1982  
(Repealed)



## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENT

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## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENT

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## NOTICE OF EMERGENCY AMENDMENT

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## NOTICE OF EMERGENCY AMENDMENT

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## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENT

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## NOTICE OF EMERGENCY AMENDMENT

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**AUTHORITY:** Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13).

**SOURCE:** Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983;

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENT

emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; recodified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill.



## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENT

Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.912 and 140.912 Table H and 140.912 Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.205 and 147.205 Table A and 147.205 Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988;

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENT

emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7025, effective April 24, 1989; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

## SUPPART A: GENERAL PROVISIONS

Section 140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC  
EMERGENCY and Infants Children Under Age One-Year Six

a) Individuals Under Age Eighteen (18)



## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENT

Section 140.7 Medical Assistance provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and ~~Infants~~ Children Under Age ~~One-Year~~ Six (Cont'd)

- 1) Medical assistance shall be provided to individuals under the age of eighteen who do not qualify for AFDC under the definition of dependent child as defined in 89 Ill. Adm. Code 101.20 and 112.60 through 112.64. However, such individuals must meet the eligibility requirements and other provisions of 89 Ill. Adm. Code 112.10, 112.20, Part 112. Subparts C and D, 112.303, 112.304 and 112.307 through 112.309.
- 2) If non-exempt countable income is equal to or less than the appropriate MANG (AFDC) standard the individual is eligible for payment of his/her allowable medical care costs.
- 3) Persons whose income exceeds the appropriate MANG (AFDC) standard are eligible for medical assistance each month incurred or paid medical care costs equals the amount of excess non-exempt income over the standard. When income exceeds the MANG (AFDC) standard, eligibility begins on the day in the month incurred or paid medical care costs equals excess monthly income. Eligibility ends on the last day of the same month.

b) ~~Infants~~ Children Under Age ~~One-11-Year~~ Six (6)

Medical assistance shall be provided to ~~infants~~ children under age ~~one-11-year~~ six (6) who do not qualify as mandatory categorically needy (Sections 1902(a)(10)(A)(i) and 1905(n) of the Social Security Act) and meet the eligibility requirements of 89 Ill. Adm. Code 120.11, 120.31, 120.64.

(Source: Emergency amendment at 14 Ill. Reg. ~~5865~~, effective April 3, 1990, for a maximum of 150 days)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part:  
College Immunization Code
- 2) Code Citation: 77 Ill. Adm. Code 694
- 3) Section Numbers:  
694.100  
Appendix A  
Emergency Action:  
Amendment  
Amendment
- 4) Statutory Authority:  
An Act concerning education and amending an Act herein named Ill. Rev. Stat. 1988, Supp., ch. 144, par. 2601 et seq.
- 5) Effective Date of Emergency Amendments:  
March 30, 1990
- 6) If the Emergency Rules Amendment is to Expire Before the End of the 150-day Period, Please Specify the Date on Which it is to Expire:  
These emergency rules have no specified expiration date.
- 7) Date Filed in Agency's Principal Office:  
March 30, 1990
- 8) Reason for Emergency:

The Department of Public Health finds that an emergency situation exists that threatens the public health and welfare. The emergency situation consists of the possible spread of the disease measles to beyond the recent record proportions over the past year if students are not immunized with a second dose of the measles vaccine. The complications from measles can cause encephalitis, hearing loss, death. Therefore, the prompt and clear announcement of the requirement that children must be immunized a second time against measles in order to attend school in the fall of 1990 should allow parents the time necessary to arrange for the proper immunizations and assist the Department in the control and containment of measles and decrease the morbidity of complications from the disease.

For the reasons stated above, the Department believes it is not only impossible, but also potentially detrimental to the health and welfare of the citizens of the State of Illinois for the Department to wait the time necessary to promulgate rules through the general rulemaking process.



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

9) A Complete Description of the Subjects and Issues Involved:

These emergency rules modify the existing requirement that children receive a single vaccination with the live measles virus vaccine on or after their first birthday to require two vaccinations on or after their first birthday. In addition, these emergency rules specify that a student attending a post-secondary educational institution prior to the Fall of 1990 who has received a single vaccination with live measles virus vaccine should be considered immune. However, students who transfer to or begin attending a post-secondary institution in the Fall term of 1990 must show documentation of two vaccinations.

10) Are there any proposed amendments to this Part Pending? No.

Section Numbers	Proposed Action	Ill. Reg. Citation
-----------------	-----------------	--------------------

11) Statement of Statewide Policy Objectives:

This rulemaking should not create or expand a State mandate.

12) Information and Questions Regarding this Rule Amendment shall be directed to:

Robert John Kane  
Administrative Rules Coordinator  
Illinois Department of Public Health  
525 West Jefferson, Second Floor  
Springfield, Illinois 62761

The full text of the Emergency Amendments begins on the next page:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER K: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

PART 694  
COLLEGE IMMUNIZATION CODE  
SUBPART A: GENERAL PROVISIONS

Section	Purpose
694.10	Definitions
694.20	Definitions

## SUBPART B: IMMUNIZATION REQUIREMENTS

694.100 Proof of Immunity  
EMERGENCY

694.110 Recordkeeping  
694.120 Completion and Submission of the Summary Report

## SUBPART C: EXEMPTIONS

694.200 Medical Exemption  
694.210 Religious Exemption  
694.220 Classification Exemption

Appendix A Certificate of Immunity Form  
EMERGENCY

Appendix B

Summary Report of the Immunization Status of College/University Students

Appendix C Required Elements of Health Record

AUTHORITY: Implementing and authorized by "AN ACT concerning education and amending an Act herein named" (Ill. Rev. Stat. 1988 Supp., ch. 144, par. 2601 et seq.).

SOURCE: Adopted at 14 Ill. Reg. 1609, effective January 19, 1990; emergency amendment at 14 Ill. Reg. 5882, effective March 30, 1990, for a maximum 150 days.

NOTE: Capitalization denotes statutory language.

## SUBPART B: IMMUNIZATION REQUIREMENTS

Section 694.100 Proof of Immunity  
EMERGENCY

- a) Beginning with the Fall term, students who enroll at a post-secondary educational institution shall present to the designated record keeping office proof of immunity evidencing the following immunizations:



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

## 1) Diphtheria, Tetanus

- A) Any combination of three or more doses of Diphtheria, Tetanus, and Pertussis (DTP), Diphtheria and Tetanus (DT) or Tetanus and Diphtheria (Td) vaccine, with the most recent dose having been received within 10 years prior to enrollment.
- B) The minimum time interval between the first and second dose must have been at least four weeks, with the third dose having been received at least six months after the second or last dose of the basic series.
- C) Receipt of Tetanus Toxoid (T.T.) vaccine is not acceptable in fulfilling this requirement.

## 2) Measles

- A) Documentation of receipt of two doses of live measles virus vaccine on or after the first birthday. The minimum time interval between each dose must have been at least 30 days. If either dose was received prior to 1968, proof must be provided that a live virus vaccine, without gamma globulin, was administered.
- B) Those students attending a post-secondary educational institutions prior to the Fall 1990 term, who have had at least one dose of live measles virus vaccine at one year of age or older, may be considered immune. If a student transfers to another post-secondary educational institution beginning with the Fall 1990 term, documentation of 2 doses of live measles virus vaccine shall be required.
- A) Immunization with live-measles-virus-vaccine-on-or-after the-first-birthday--if-vaccine-was-received-prior-to 1968--proof-must-be-provided-that-a-live-virus-vaccine, without-gamma-globulin, was-administered; or
- CB) Laboratory (serologic) evidence of measles immunity; or
- DC) A physician's signed confirmation of disease history and date of conclusive diagnosis.
- 3) Rubella
- A) Immunization with rubella vaccine on or after the first birthday; or

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

## B) Laboratory (serologic) evidence of rubella immunity.

## C) History of disease is not acceptable as proof of immunity.

## 4) Mumps

- A) Immunization with live mumps vaccine on or after the first birthday; or
- B) A physician's signed confirmation of disease history and date of conclusive diagnosis.
- C) Laboratory (serologic) evidence of mumps is not acceptable as proof of immunity.

## b) Proof of immunity may be provided by a certificate of immunity containing the following information:

- 1) The month, day and year of vaccine receipt for measles, mumps, and rubella. Whole year dates (e.g., 1969) are acceptable only when it is clear that the student was at least twelve months of age when the vaccine was received.
- 2) The month, day and year of vaccine receipt for diphtheria and tetanus.
- c) Proof of immunity may also be provided by one of the following:
- 1) A copy of the student's Illinois high school health record which complies with the immunization requirements of this Part;
- 2) In lieu of proof of immunity as defined in this Part, evidence of birth on or before January 1, 1957 such as a birth certificate, drivers license, or personal identification card issued by the Secretary of State.
- d) Additional immunization entries made in a student health record by a post-secondary educational institution shall be based upon a certificate of immunity which complies with the requirements of this Part.
- e) A student who enrolls at a post-secondary educational institution without providing proof of immunity shall be precluded from enrolling at that institution in a subsequent term unless the student provides proof of immunity acceptable to the designated record keeping office or is granted a medical or religious exemption by the institution.
- f) Students shall provide proof of immunity each time they transfer to



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

another post-secondary educational institution.

(Source: Emergency Amendment at 14 Ill. Reg. 5882, effective March 30, 1990, for a maximum of 150 days)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

# Appendix A Certificate of Immunity Form

## Certificate of Immunity

Last Name (Please Print)		First		Middle Initial		Student Identification Number	
Date of Birth (Month/Day/Year)		Sex M <input type="checkbox"/> F <input type="checkbox"/>		Home Telephone Number ( )		Term Attending (Check One) Fall <input type="checkbox"/> Winter <input type="checkbox"/> Spring/Summer <input type="checkbox"/> Year	
<b>Part II - Compliance by Copy of Certificate of Child Health Examination. Attached (Check box)</b> I authorize the _____ to release this immunization record to the Illinois Department of Public Health, or its designated representative. (or complete and sign in the area of a health or safety emergency.)							
<b>Part III - To be completed and signed by health care provider. ALL DATES MUST INCLUDE MONTH, DAY AND YEAR</b> Student's Signature _____ Date _____ Title _____							
<b>1. Primary record completed? (What include at least two cases - month, day and year)</b> Yes <input type="checkbox"/> No <input type="checkbox"/> Date _____ Month _____ Day _____ Year _____							
<b>2. Measles record? (When the vaccine last 10 yrs)</b> Yes <input type="checkbox"/> No <input type="checkbox"/> Date _____ Month _____ Day _____ Year _____							
<b>3. Enterovirus?</b> Yes <input type="checkbox"/> No <input type="checkbox"/> Date _____ Month _____ Day _____ Year _____							
<b>4. Rubella (German Measles)</b> 1. Disease confirmed by physician's report? _____ 2. Immunization with live virus vaccine? _____ (Or in 1964 or later) 3. Enterovirus? _____ 4. Rubella (German Measles) 1. Disease confirmed by physician's report? _____ 2. Immunization with live virus vaccine? _____ 3. Enterovirus? _____							
<b>5. Mumps</b> 1. Disease confirmed by physician's report? _____ 2. Immunization with live virus vaccine? _____ 3. Enterovirus? _____							
Health Care Provider or official of the designated record keeping office verifying above information Name (Print) _____ Signature _____ Telephone _____ Date _____ *Physician license or primary institution in all of its branches (M.D., or D.O.), a local health authority, registered nurse employed by a school, college or university, or a Department recognized vaccine provider.							
<b>For Office Use Only</b> Reviewed by _____ Date _____ Initials (Print) _____ Signature (Print) _____ Title (Print) _____ Complete <input type="checkbox"/> Transfer <input type="checkbox"/>							



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF EMERGENCY AMENDMENTS

Appendix A Certificate of Immunity Form (Continued)

5882  
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**MUST BE COMPLETED AND RETURNED PRIOR TO THE STUDENT'S FIRST ENROLLMENT**

**NOTE:** Illinois law requires students enter students in compliance with certain minimum requirements to ensure, reliable, accurate and comprehensive information.

The following rules will apply:

1. All dates must indicate Month, Day and Year.
2. Part III: Proof of immunity may be provided by a copy of the student's Certificate of Child Health Examination from an Illinois health center which provides the necessary information to ensure compliance with the act. The Certificate of Child Health Examination must be verified for completion and submitted in this form. Part III must not be completed.
3. Part III: must be completed and signed by a health care provider.
4. All laboratory evidence of immunity must be accompanied by a copy of the laboratory report.
5. History of disease is not acceptable as proof of immunity for measles.
6. All live virus vaccines must have been given on or after the first birthday.
7. Measles test is not acceptable as proof of immunity.
8. Only the following exemptions will be accepted and students must accompany this report:  
Medical Contraindications - A written, signed and dated statement from a physician stating the specific vaccine or vaccine components and diseases or medical conditions that contraindicate the vaccine(s).  
Religious Exemption - A written, signed and dated statement by the student (or parent/guardian if the student is a minor) certifying that the student is a conscientious objector to the vaccine and that they conflict with the tenets and precepts of a recognized church or religious organization, of which the student is an adherent or member.  
Pregnancy or Suspected Pregnancy - A signed statement from a physician stating the student is pregnant or pregnancy is suspected.  
9. Anyone with a vaccine exemption must be excluded from the college/university in the event of a measles, rubella, or chickenpox outbreak in accordance with public health recommendations.  
10. All names must be in English must be accompanied by a certified translation.

\*Physicians licensed to practice medicine in all of the branches (M.D., or D.O.), a local health authority, registered nurse employed by a school, college or university, or a Department designated vaccine provider.

(Source: Emergency Amendment at 14 Ill. Reg. 5882, effective March 30, 1990, for a maximum of 150 days)

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF EMERGENCY AMENDMENTS

5890  
90

1) Heading of the Part:

Immunizations

2) Code Citation: 77 Ill. Adm. Code 695

3) Section Numbers:

695.10

Emergency Action:

Amendment

4) Statutory Authority:

AN ACT in relation to the prevention of certain communicable diseases.  
Ill. Rev. Stat. 1987, ch. 111 1/2, par. 22.11 et seq.  
The School Code

Ill. Rev. Stat. 1987, ch. 122, par. 27-8.1

5) Effective Date of Emergency Amendments:

March 30, 1990

6) If the Emergency Amendment Is to Expire Before the End of the 150-day Period, Please Specify the Date on Which it is to Expire:

These emergency rules have no specified expiration date.

7) Date Filed in Agency's Principal Office:

March 30, 1990

8) Reason for Emergency:

The Department of Public Health finds that an emergency situation exists that threatens the public health and welfare. The emergency situation consists of the possible spread of the disease measles to beyond the recent record proportions over the past year if students are not immunized with a second dose of the measles vaccine. The complications from measles can cause encephalitis, hearing loss, death. Therefore, the prompt and clear announcement of the requirement that children must be immunized a second time against measles in order to attend school in the fall of 1990 should allow parents the time necessary to arrange for the proper immunizations and assist the Department in the control and containment of measles and decrease the morbidity of complications from the disease.

For the reasons stated above, the Department believes it is not only impossible, but also potentially detrimental to the health and welfare of the citizens of the State of Illinois for the Department to wait the time necessary to promulgate rules through the general rulemaking process.



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## NOTICE OF EMERGENCY AMENDMENTS

9) A Complete Description of the Subjects and Issues Involved:

These emergency rules modify the existing requirement that children receive a single vaccination with the live measles virus vaccine at fifteen months or older to require two vaccinations with the first being at 12 months of age and the second no less than a month later. In addition, these emergency rules specify that a student entering the fifth grade for the first time after July 1990 show proof of immunization with 2 doses of vaccine. The first dose must be at 12 months and the second no less than a month later.

10) Are there any proposed amendments to this Part Pending? NoSection NumbersProposed ActionIll. Reg. Citation11) Statement of Statewide Policy Objectives:

This rulemaking should not create or expand a state mandate.

12) Information and Questions Regarding these Amendments shall be directed to:

Robert John Kane  
Administrative Rules Coordinator  
Illinois Department of Public Health  
525 West Jefferson, Second Floor  
Springfield, Illinois 62761

The full text of the Emergency Amendments begins on the next page:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER k: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONSPART 695  
IMMUNIZATIONS

Section 695.10	Basic Immunization
EMERGENCY 695.20	Booster Immunizations
695.30	Exceptions
695.40	List of Non-Immunized Students

**AUTHORITY:** Implementing and authorized by "AN ACT in relation to the prevention of certain communicable diseases" (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 22.11 et seq.) and Section 27-8.1 of the School Code (Ill. Rev. Stat. 1987, ch. 122, par. 27-8.1).

**SOURCE:** Emergency amendment effective June 23, 1977; emergency amendment at 3 Ill. Reg. 14, p. 88, effective March 21, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 52, p. 134, effective December 17, 1979; codified at 8 Ill. Reg. 4512; amended at Ill. Reg. 11799, effective June 29, 1987; emergency amendment at 14 Ill. Reg. 5890, effective March 30, 1990, for a maximum of 150 days.

Section 695.10 Basic Immunization  
EMERGENCYa) The optimum starting ages for the specified immunizing procedures are as follows:

1) Diphtheria	2-4 months
2) Pertussis	2-4 months, combined with diphtheria-tetanus toxoid
3) Tetanus	2-4 months
4) Poliomyelitis	2-4 months
5) Measles	15 months
6) Rubella	15 months
7) Mumps	15 months

b) All children entering school in Illinois for the first time shall present evidence of immunity against:

- 1) Diphtheria
- 2) Pertussis (except as noted under "c")
- 3) Tetanus
- 4) Poliomyelitis
- 5) Measles (except as noted under "g" below)



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF EMERGENCY AMENDMENTS

- 6) Rubella  
7) Mumps

- c) Any child under 6 years of age who has not been immunized against diphtheria, pertussis and tetanus shall receive 3 injections of diphtheria-pertussis-tetanus combined antigen separated by intervals of 4 weeks or more. Pertussis (whooping cough) vaccine is medically contraindicated for children over the age of 6 years.
- d) Any child 6 years of age or over not having been immunized against diphtheria or tetanus shall receive 2 injections of diphtheria-tetanus separated by intervals of 4-6 weeks or more, with a reinforcing dose at least 1 year after second.

## e) Diphtheria, Pertussis, Tetanus

- 1) Any child who, upon entry, has had a primary series of diphtheria-pertussis-tetanus in the past shall require a booster dose of diphtheria-pertussis-tetanus if he or she is under 6 years of age and has not had a booster since 3 years of age.
- Any child who, upon entry, has had a primary series of either diphtheria-pertussis-tetanus or diphtheria-tetanus in the past shall require a booster dose of diphtheria-tetanus if he or she:

- A) is between the ages of 6 and 12 and has not had a booster dose since age 4, or
- B) is 12 years of age or over and has not had a booster dose within the preceding 8 years.
- 2) Ideally, the primary series is given in infancy, with booster doses prior to entering kindergarten or first grade and every 10 years thereafter.

## f) Polio

- 1) If the child has received primary immunization against polio with live oral polio vaccine, a booster dose of trivalent live oral polio vaccine shall be administered prior to his or her entrance to kindergarten or first grade. Any child not having received primary immunization against polio with live oral polio vaccine shall receive 2 doses (separated by 2 or more months) of trivalent live oral polio vaccine prior to entering kindergarten or first grade and a booster 12 months after the second.
- 2) A course of inactivated poliovirus vaccine and appropriate boosters may, for an individual child, be substituted for vaccination with live oral poliovirus vaccine at the direction

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

of a physician licensed to practice medicine in all its branches.

## g) Measles

- 1) The child shall present evidence that he or she has:
- A) been immunized against red measles (rubeola) prior to entering school for the first time, or
- B) a statement from the physician that he or she has had measles (rubeola).

- 2) Children who have had measles or have been immunized with one dose of live measles virus vaccine at fifteen months of age or older, or children who have had two doses of live measles virus vaccine, the first dose at least 12 months of age and the second dose no less than one month after the first, shall be considered immune. ~~Only those children who have had measles or have been immunized with live measles virus vaccine at fifteen (15) months of age or older, shall be considered to be immune. These children enrolled in school in Illinois prior to August 1977 who have had measles or have been immunized with live measles virus vaccine at one year of age or older, shall be considered to be immune.~~ At the direction of a physician licensed to practice medicine in all its branches, a child immunized with live measles virus vaccine at 12 months of age or older, who first enters school in Illinois between August 1977 and September 1981, may be considered immune.

- 3) Children entering the fifth grade for the first time after July of 1990 will be required to show evidence of having received two doses of live measles virus vaccine, the first dose at least 12 months of age and the second dose no less than one month after the first or other proof of immunity described in these rules. ~~If the live measles virus vaccine was given within 3 months following a dose of inactivated (killed) measles virus vaccine, an additional dose of live measles vaccine must have been given at a later date.~~

## h) Mumps

- 1) The child shall present evidence that he or she has:
- A) been immunized against mumps prior to entering school for the first time, or
- B) a statement from the physician that he or she has had mumps.



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## NOTICE OF EMERGENCY AMENDMENTS

- 2) Only those children who have had mumps or have been immunized with live mumps virus vaccine at twelve (12) months or older, shall be considered to be immune.
- 3) All children currently enrolled in school in Illinois who are susceptible to mumps, must show proof of immunity prior to enrolling for school year 1987-88.

(Source: Emergency amendment at 14 Ill. Reg. 5890, effective March 30, 1990, for a maximum of 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## STATEMENT OF RECOMMENDATION

## DEPARTMENT OF CONSERVATION

Heading of Part: Illinois Bicycle Path Grant Program

Code Citation: 17 Ill. Adm. Code 3040

Section Numbers: 3040.10 3040.20  
3040.30 3040.40  
3040.50 3040.60  
3040.70 3040.80

Date Originally Published in Illinois Register:

January 12, 1990  
14 Ill. Reg. 442

At its meeting on April 3, 1990, the Joint Committee on Administrative Rules recommended that the Department of Conservation initiate additional rulemaking. The Department should respond within 90 days of the receipt of this Statement of Recommendation.

The specific recommendation is as follows:

The Joint Committee suggests to the Department of Conservation that it initiate additional rulemaking to amend its rules governing "Illinois Bicycle Path Grant Program" (17 Ill. Adm. Code 3040), to include the Department's policies which are included in its grant application forms in Part 3040 rules and include the application forms as Appendices to the Part.

The Department of Conservation has proposed this new Part to implement Public Act 86-466 which provides grants to local units of government for acquisition and development of bike paths. The Part sets forth eligibility requirements, an assistance formula, application procedures, eligible project costs, the factors the Department will use in its evaluation and recommendation for funding assistance, and program compliance requirements. Section 3040.40, General Procedures for Grant Applications and Awards, includes components which comprise project grant applications. Acquisition projects are to include completed application forms, project narrative (describing concept, location, need, objectives, benefits, method of financing or accomplishing the project), project location map and plat map, future site development plan, and environmental evaluation. Development projects are to include completed application forms, itemized development cost estimates for each project component, project narrative (describing concept, location, need, objectives, benefits, methods of financing or accomplishing project).



JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATIONDEPARTMENT OF CONSERVATION  
(Continued Page 2)

project location map and plat map, site development plan, environmental/archeological evaluation (new construction), and proof of land ownership or usage rights.

The Department was asked to provide the Joint Committee with a copy of the application. A review of these application forms revealed that they contain components which are required to be submitted. In some instances, the requirements amplify and explain portions of the Department's proposed rules, while other application information has been omitted from the rules. For example, BP/DOC-1 Application Form includes information which the rules do not: that a third type of project can be funded called Development involving land donation; that project relocation costs, if applicable (maximum \$15,000) can be requested; that population figures in applicants jurisdiction are to be provided; that the Illinois Legislative Senate District number and Representative District number be provided; whether the project trail or ROW will also be available for equestrian use, snowmobile use, ATV use; and that the project applicant must submit a copy of the Application for Federal/State Assistance, a narrative statement, and project maps to the State and Areawide Clearinghouse. BP/DOC-2 Acquisition Data requires the applicant to list all existing structures on the property to be acquired, description of the structures' condition, plans for the structure, whether anyone is currently residing or storing personal property on the property, and to attach a copy of commitment for Title Insurance on the property to be acquired. BP/DOC-5 requires proposed acquisition projects (excluding those involving eminent domain) to be completed in nine months and requires proposed development projects must be completed in eighteen months following Department approval of the project.

Amplification is provided for the Section 3040.40(b)(1)(E) and (b)(2)(F) environmental evaluation component in BP/DOC-4 Environmental Evaluation which states:

Instructions: Describe the existing characteristics of the project site covering, at a minimum, the items listed below and the anticipated environmental and social impacts (both positive and negative) the proposed project will have on them.

- 1) description of land being used for the proposed project and adjacent land uses paying particular attention to State significant natural areas, cultural/historic resources, endangered/threatened species and habitats, etc.; 2) wildlife populations and habitat conditions; 3)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
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general vegetation characteristics; 4) hydrologic characteristics; and 5) traffic conditions on roads/streets used or crossed by the proposed project.

Note: The assessment should be an objective discussion of impacts paying particular attention to safety factors, recreational user conflicts, adjacent property owner conflicts; and describing mitigating measures which can be implemented to lessen negative impacts.

Section 3.09 of the IAPA defines "rule" as "each agency statement of general applicability that implements, applies, interprets, or prescribes law or policy..." The above mentioned requirements contained in the Department's application forms fall under the definition of "rule" and must be included in the Department's rules governing the Illinois Bicycle Path Grant Program. The Department representative offered to place these application forms as an Appendix to the Part. As the application forms contain information which the rules do not, cross references in the rules which parallel application information could not be drawn. Due to the complicated nature of including omitted application form information in these rules, placing appropriate cross-references to the Appendices within the rules, appending the application forms to the Part, and the lack of time for addressing these issues, it seems appropriate to request the Department to initiate further rulemaking so that the Department can include these policies in rules and as Appendices to the Part.

Therefore, the Joint Committee suggests to the Department of Conservation that it initiate additional rulemaking to amend its rules governing "Illinois Bicycle Path Grant Program" (17 Ill. Adm. Code 3040), to include the Department's policies which are included in its grant application forms in Part 3040 rules and include the application forms as Appendices to the Part

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION

## STATE BOARD OF EDUCATION

Heading of Part:

Truants' Alternative and Optional Education Programs

Code Citation:

23 Ill. Adm. Code 205

Section Numbers:

205.40

Date Originally Published in Illinois Register:December 8, 1989  
13 Ill. Reg. 18991

At its meeting on April 3, 1990, the Joint Committee on Administrative Rules objected to the above proposed rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute withdrawal of the proposed rulemaking in its entirety.

The specific objection is as follows:

The Joint Committee objects to Section 205.40 of the State Board of Education rules entitled "Truants' Alternative and Optional Education Programs," 23 Ill. Adm. Code 205, because the State Board has distributed funds under its new three-year approval procedure for projects prior to completion of required rulemaking procedures of the Illinois Administrative Procedure Act (IAPA), in violation of Sections 4(c), 5(a) and 5.01(c) of the IAPA.

The amendments to Part 205, "Truants' Alternative and Optional Education Programs" were proposed pursuant to an agreement with the Joint Committee to place information required in the State Board's request for proposals (RFP) into rules. In addition to the RFP information, the State Board is establishing a new three-year approval to approval and funding of an initial first year application and two renewal applications for the second and third years of operation. Section 205.40(a) sets forth the State Board's new policy as:

Beginning with proposals which are approved for 1989-90, it is the intention of the State Board of Education to approve projects for a three-year period. Funding for the second and third years of operation, i.e., beginning with 1990-91, will be contingent on the availability of funds for the program and on the grantee's progress toward meeting its objectives (See Section 205.55).

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The State Board was asked whether it has distributed funds under this three-year approach for 1989-90.

The State Board replied that it had distributed funds under this three-year approach for the 1989-90 fiscal year. The 1989 Request for Proposal dated May 5, 1989, provided by the State Board includes a statement on the third page under the heading of "Eligible Applicants" which mirrors Section 205.40(a) requirements:

Beginning with programs for 1989-90 that are approved in response to this RFP, it is the intention of the State Board of Education to fund projects for a three-year period. Funding for the second and third years of operation, beginning with 1990-91, will be dependent on the project's successful completion of its objectives, completion of continuation approval procedures to be developed by the State Board of Education, and the state appropriation for the program.

The State Board's notation of "completion of continuation approval procedures to be developed by the State Board of Education," anticipates the Section 205.40(a) requirements prior to the December 8, 1989, publication of proposed amendments. Emphasizing that the new approach is a series of three one-year grants, the State Board responded that the multi-year commitment assures continuity and relationships in the program for at risk youth. The applicant can more easily hire personnel and commit resources to a program with a multi-year life. The award of an initial grant in 1989-90 under the RFP, with second and third year funding, encourages applicants to commit resources, personnel, facilities, and recruitment of at risk youth, if the grantee files renewal applications or information reporting progress toward the program objectives or explaining lack of progress toward an objective resulting in deletion of that objective or setting forth steps to meet that objective.

Although the multi-year approach may be a laudable attempt to encourage applicants to commit resources to at risk youth, the State Board should not have solicited proposals and distributed funds under a policy which contained incomplete procedures and which were not adopted in accordance with rulemaking procedures. The IAPA (Ill. Rev. Stat. 1987, ch. 127, par. 1001 et seq.) prohibits the State Board from implementing these rules prior to their adoption in accordance with the rulemaking procedures. Section 4(c) of the IAPA states that "[n]o



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agency rule is effective against any person or party, nor may it be invoked by the agency for any purpose until it has been made available for public inspection and filed with the Secretary of State as required by this Act." In addition, Section 5(a) of the IAPA provides that "prior to the adoption, amendment or repeal of any rule, each agency shall accomplish the actions required by Section 5.01, 5.02, and 5.03, whichever is applicable" (emphasis added). In this instance the State Board chose to implement its rules under the general rulemaking procedures of Section 5.01. The State Board, however, did not comply with Section 5.01(c) which prescribes that a rule may not be effective until its adoption. Section 5.01(c) of the IAPA states that "each rule hereafter adopted under this section is effective upon filing, unless a later effective date is required by statute or specified in the rule." The State Board of Education has failed to comply with the requirements of Sections 4(c), 5(a) and 5.01(c) prior to invoking the rule. Furthermore, Section 5(b) invalidates agency actions to adopt, amend, or repeal a rule which are not taken in compliance with the IAPA's procedural requirements.

This is not the first time that the Joint Committee has been presented with the issue of rules being invoked prior to adoption in accordance with the IAPA's rulemaking procedures. The Joint Committee has consistently issued objections to agencies which implement amendments prior to adoption of these rules under the general rulemaking procedures of Section 5.01 of the IAPA. As previously stated, the State Board admits distributing funds under this new three-year approval procedure for projects prior to the conclusion of the general rulemaking procedures of Section 5.01 of the IAPA.

Therefore, the Joint Committee objects to Section 205.40 of the State Board of Education rules entitled "Truants' Alternative and Optional Education Programs," 23 Ill. Adm. Code 205, because the State Board has distributed funds under its new three-year approval procedure for projects prior to completion of required rulemaking procedures of the Illinois Administrative Procedure Act (IAPA), in violation of Sections 4(c), 5(a) and 5.01(c) of the IAPA.

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION

## POLLUTION CONTROL BOARD

Heading of Part:

Regulatory and Informational Hearings and Proceedings

Code Citation:

35 Ill. Adm. Code 102

Section Numbers:

102.240

Date Originally Published in Illinois Register:September 22, 1989  
13 Ill. Reg. 14696

At its meeting on April 3, 1990, the Joint Committee on Administrative Rules objected to the above proposed rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute withdrawal of the proposed rulemaking in its entirety.

The specific objection is as follows:

The Joint Committee objects to Section 102.240(a) of the Pollution Control Board's rules entitled "Regulatory and Informational Hearings and Proceedings" (35 Ill. Adm. Code 102), because contrary to Section 4.02 of the Illinois Administrative Procedure Act, the Board has failed to provide standards in its rulemaking governing how a hearing officer will determine who are potentially affected persons to be included in pre-hearing conferences for regulatory hearings governed by this rulemaking.

The Pollution Control Board is proposing new rules for Regulatory and Informational Hearings and Proceedings; 35 Ill. Adm. Code 102. The rules include provisions for three types of regulatory proposals by the Board, including identical in substance rules and federally required rules. The rules specify requirements for proposal of regulations of general applicability and of site-specific regulations, requirements relating to site-specific rulemakings pertaining to water, and provisions regarding the Board's decision to consider a regulatory proposal.

Section 102.240(a) of the Board's proposed rules states:

To the extent consistent with any deadline for adoption of any regulations mandated by state or federal law, prior to initiating any hearing on a regulatory proposal, the Board may assign a qualified hearing officer who may schedule a pre-hearing conference between the proponent and any or all of the



JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## STATEMENT OF OBJECTION

POLLUTION CONTROL BOARD  
(Continued Page 2)

potentially affected persons. (Section 27(e) of the Act.)

The Joint Committee requested the Board clarify who is a "potentially affected person", i.e., how a hearing officer will determine what sort of interests, if affected by the outcome of a proceeding conducted by the Board, would thereby be deemed to create a class of persons "potentially affected" by the subject matter of the proceeding. The Board explained that it had no method of directing how a hearing officer shall determine the parameters of the class of "potentially affected persons", preferring instead to permit hearing officers to make such determinations in their role as the governing officer over such hearings. The Board stated it could not anticipate in its rules who would be properly categorized as a potentially affected person and provide standards by which such a finding would be made. This was due to the disparity of subject matter bases and local conditions underlying such hearings.

Section 4.02 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1004.04) requires rules that implement discretionary powers to be exercised by an agency to include the standards to be used in the exercise of that discretion. Section 4.02 further requires that the standards be stated clearly and precisely as practicable under the conditions, so as fully to inform those affected by the rule.

Section 27(e) of the Act states: "To the extent consistent with any deadline for adoption of any regulations mandated by State or federal law, prior to initiating any hearing on a regulatory proposal, the Board may assign a qualified hearing officer who may schedule a prehearing conference between the proponents and any or all of the potentially affected persons."

Section 102.240(a) of the Board's rules only repeats the above-quoted language from Section 27(e) of the Act. The Board has not stated standards to be exercised by the hearing officer in determining who is a potentially affected person. For example, a hearing officer in a public hearing concerning consideration of a modification in an effluent specification limitation for discharge into a navigable waterway may determine that persons residing within a certain distance of the site, as well as local units of government and businesses, are "potentially affected" and invite such parties to a pre-hearing conference. Another hearing officer in a different hearing may not make such a determination despite similarities in the subject matter and underlying factual basis of the proceedings. In one instance particular categories of individuals

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## STATEMENT OF OBJECTION

POLLUTION CONTROL BOARD  
(Continued Page 3)

could be deemed to be potentially affected persons and invited to attend a pre-hearing conference, while the absence of standards in the Board's rules could work to deny an opportunity to participate to similarly positioned individuals in a setting in which the same regulatory issues are considered.

Examples of likely persons potentially affected by a regulatory proposal were discussed by the Board. One obvious potential group would be persons residing or working in close proximity to an environmentally sensitive facility regulated by the Board. The Board could craft some type of standard as to how its hearing officer would determine the area affected by a regulated facility and state general policies of the Board disclosing the factors which would warrant that persons located in that area be notified of a pre-hearing conference. Local governments and school districts were other examples acknowledged by the Board of the types of entities that might have interests at stake. The Board should prescribe guidelines as to the circumstances in which such entities would be scheduled to participate in a pre-hearing conference. Another important element in Board regulatory policy is a consideration of the potential economic impact of prospective action(s) of the Board. As an adjunct to Board proceedings relating to economic studies of regulatory proposals, the Board could inform the affected public of the circumstances in which local economic interests are to be invited to a pre-hearing conference.

Therefore, the Joint Committee objects to Section 102.240(a) of the Pollution Control Board's rules entitled "Regulatory and Informational Hearings and Proceedings" (35 Ill. Adm. Code 102), because contrary to Section 4.02 of the Illinois Administrative Procedure Act, the Board has failed to provide standards in its rulemaking governing how a hearing officer will determine who are potentially affected persons to be included in pre-hearing conferences for regulatory hearings governed by this rulemaking.

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO EMERGENCY RULEMAKING

## CARNIVAL AMUSEMENT SAFETY BOARD

Heading of Part: Carnival and Amusement Ride Inspection LawCode Citation: 56 Ill. Adm. Code 6000Section Numbers: 6000.280Date Originally Published in Illinois Register: March 2, 1990  
14 Ill. Reg. 3235

At its meeting on April 3, 1990, the Joint Committee on Administrative Rules objected to the above emergency rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute a refusal to amend or repeal the rule.

The specific objection is as follows:

The Joint Committee objects to the emergency rulemaking of the Carnival-Amusement Safety Board entitled "Carnival and Amusement Ride Inspection Law" (56 Ill. Adm. Code 6000) because no emergency situation exists which required the use of the emergency rulemaking procedures of Section 5.02 of the Illinois Administrative Procedure Act (IAPA).

This rulemaking amends the Carnival Amusement Safety Board (The Board) rules entitled "Carnival and Amusement Ride Inspection Law" (56 Ill. Adm. Code 6000) by changing the Board's existing policy regarding testing a Round-Up ride. The present rule provides that a Round-Up ride operating in Illinois on or between April 1 and September 30 must have the Non-Destructive Testing (NDT) performed on it after March 22 and before operation. The emergency amendment provides that the Round-Up ride operating in Illinois on or between April 1 and September 30 must have the Non-Destructive Testing (NDT) performed on it after March 22 and before operation unless at the time of the NDT inspection the Department places a seal upon the ride prohibiting the assembly and operation until the Department removes that seal. The Department explained that a NDT inspection must be done once every 6 months that a Round-Up ride is operational. The Department further explained that the emergency amendment allows the owners to have the NDT inspection prior to March 22 without having the 6 month time period to run until the operator is ready to use his equipment, and thereby saving the owner the expense of having a second NDT inspection. The Department was asked to explain the threat to the public interest, safety or welfare that required the use of emergency rulemaking in this instance.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO EMERGENCY RULEMAKING

## CARNIVAL AND AMUSEMENT SAFETY BOARD

(Continued Page 2)

The Department explained that a NDT inspection costs approximately \$1,000 each time it is administered. The Department further explained that in 1989 it could only recall one case where an owner had to pay for two NDT inspections. The Department stated that it estimates that approximately 10 owners or businesses are required to have the NDT inspection. Also, the Department said that if a NDT inspection revealed a problem with the ride, repairs could be done before the carnival season begins and thus eliminate a possible financial hardship on the owner. The Department feels that this emergency amendment alleviates a financial hardship on owners by ending the possibility of having to pay for two NDT inspections during a 6 month operational period and not being able to operate its ride due to repair problems when the carnival season opens.

The Department was asked the reason that this amendment was not proposed before February 9, 1990 the effective date of the emergency amendment. The Department was asked to explain why it could not have used the normal rulemaking procedures of Section 5.01 of the IAPA to adopt this amendment with resorting to the use of emergency rulemaking. It was explained that the Carnival Amusement Safety Board (The Board) meets twice a year and has the responsibility of promulgating rules. Section 2-4 of the "Carnival and Amusement Rides Safety Act" (The Act) (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 4054) provides that "the Board shall meet at least twice yearly and at the call of the chairman or by written request of at least 3 members." (emphasis added) The Department said that the number of meetings held each year by the Board over the 2 required is determined by the nature of business to be acted upon. In January of 1989, the Board met and discussed the problem concerning the financial hardship imposed by the extra NDT inspection. There were no solutions offered at this meeting. In December, 1989, the Board met again but it was a "non-substantive meeting" where no issues were discussed. On January 20, 1990, the Board met at the same time the Illinois Agricultural Fair Association had their annual meeting. The Department said that operators voiced their opinions regarding this matter to the Board. After listening to all the comments, the Board voted to promulgate this emergency amendment in order to lessen the financial hardship on carnival operators caused by the two NDT's in a 6 month operational period.

Section 5.02 of the Illinois Administrative Procedure Act (IAPA) defines "emergency" as "the existence of any situation which any agency finds reasonably constitutes a threat to the public interest, safety or welfare" which requires the adoption of rules on fewer days notice than is required by Section 5.01 of the IAPA.



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

1) Heading of the Part:  
Ambulatory Surgical Treatment Center Licensing Requirements

2) Code Citation:  
77 Ill. Adm. Code 205

3) Register Citation to Notice of Proposed Amendments:  
14 Ill. Reg. 5442 - April 13, 1990

4) Date, Time and Location of Public Hearing:  
10:00 A.M.  
May 18, 1990  
Auditorium  
Concourse Level  
State of Illinois Center  
Illinois Department of Public Health  
100 West Randolph Street  
Chicago, Illinois 60601

10:00 A.M.  
May 22, 1990  
South Auditorium  
Southern Illinois University  
School of Medicine  
801 North Rutledge  
Springfield, Illinois 62708

5) Other Pertinent Information:

The hearings will be for the sole purpose of gathering public comment on the proposed amendments. Persons interested in presenting testimony at this hearing are advised that the Department will adhere to the following procedures in the conduct of the hearing:

1. Each person presenting oral testimony shall provide to the Hearing Officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony shall be accepted without such written copy of the testimony being provided.
2. Each person presenting oral testimony will be limited to fifteen (15) minutes for the presentation of such testimony.
3. No person will be recognized to speak for a second time until all persons wishing to testify have done so. All testimony shall

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STATEMENT OF OBJECTION TO EMERGENCY RULEMAKING

CARNIVAL AND AMUSEMENT SAFETY BOARD  
(Continued Page 3)

The Department's explanation of the threat to the public interest which requires the use of this emergency rulemaking is unconvincing. By its own admission, the Board knew of this situation, and discussed the effect of the rule at its January, 1989 meeting. The Board had ample time to resolve this matter by resort to the normal rulemaking procedures of the IAPA. The Department stated that the Board held only the statutorily required two meetings during 1989 and did not resolve this matter. According to Section 2-4 of the Act, the Board was authorized to hold additional meetings if such meetings were necessary to discuss this problem. However, the Board held no such meetings and only in January 1990 determined that corrective rulemaking was required. While it is unquestioned that the Board's rulemaking makes good sense and is well within the Board's statutory authority, the Board has misused the emergency rulemaking procedure. The Board could and should have adopted this rulemaking through the use of the normal rulemaking procedures of Section 5.01 of the IAPA.

Therefore, the Joint Committee objects to the emergency rulemaking of the Carnival-Amusement Safety Board entitled "Carnival and Amusement Ride Inspection Law" (56 Ill. Adm. Code 6000) because no emergency situation exists which required the use of the emergency rulemaking procedures of Section 5.02 of the Illinois Administrative Procedure Act (IAPA).

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## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

conclude at the specific times except that an individual in the midst of presenting testimony shall be allowed to complete his/her testimony.

4. In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the Hearing Officer may impose such other rules of procedure, including the order of call of witnesses, as he/she deems necessary.

6) Name and Address of Agency Contact Person:

Questions regarding these proposed amendments or public hearings shall be directed to:

Mr. Robert John Kane  
Administrative Rules Coordinator  
Illinois Department of Public Health  
525 West Jefferson, Second Floor  
Springfield, Illinois 62761

## COMMISSIONER OF BANKS AND TRUST COMPANIES

## NOTICE OF PUBLIC INFORMATION

NOTICE OF ACCEPTANCE OF AN APPLICATION  
BY MANUFACTURERS NATIONAL CORPORATION,  
DETROIT, MICHIGAN, TO ACQUIRE STATE BANK  
OF LAKE ZURICH, LAKE ZURICH, ILLINOIS

Pursuant to Section 3.071(d) of the Illinois Bank Holding Company Act of 1957 (Ill. Rev. Stat. 1987, ch. 17, par. 2510.01(d)), notice is hereby given that the Commissioner of Banks and Trust Companies has accepted for processing an application by Manufacturers National Corporation, Manufacturers Bank Tower, Renaissance Center, Detroit, Michigan 48243, to acquire State Bank of Lake Zurich, 35 West Main Street, Lake Zurich, Illinois 60047.

Interested persons who desire to comment on this proposed acquisition may submit their comments in writing no later than 14 days after the publication of this notice to either:

Jerry D. Cavanaugh  
Harold F. Boede  
Commissioner of Banks and Trust Companies  
Room 100 Reisch Building  
117 South Fifth Street  
Springfield, Illinois 62701



JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of April 2, 1990, through April 6, 1990, and have been scheduled for review by the Committee at its May 8, 1990, meeting. Other items not contained in this published list may also be considered by the Joint Committee at its May meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
5/17/90	Department of Public Aid, Medical Payment (89 Ill. Adm. Code 140)	1/26/90 14 Ill. Reg. 1570	May 8, 1990
5/17/90	Department of Public Aid, Medical Payment (89 Ill. Adm. Code 140)	2/2/90 14 Ill. Reg. 1737	May 8, 1990
5/18/90	Secretary of State, Issuance of Licenses (92 Ill. Adm. Code 1030)	2/16/90 14 Ill. Reg. 2530	May 8, 1990
5/21/90	Department of Financial Institutions, Illinois Development Credit Corporation Act (38 Ill. Adm. Code 195)	1/26/90 14 Ill. Reg. 1558	May 8, 1990
5/21/90	Department of Employment Security, Payment of Benefits (56 Ill. Adm. Code 2830)	2/16/90 14 Ill. Reg. 2423	May 8, 1990
5/21/90	Department of Public Health, Recreational Area Code (77 Ill. Adm. Code 800)	11/17/89 13 Ill. Reg. 17707	May 8, 1990
5/21/90	Department of Commerce and Community Affairs, State Administration of the Federal Low-Income Energy Assistance Block Grant Program (47 Ill. Adm. Code 100)	11/17/89 13 Ill. Reg. 17589	May 8, 1990

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED  
(page 2)

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
5/21/90	Department of Public Aid, Drug Manual (89 Ill. Adm. Code 141)	2/16/90 14 Ill. Reg. 2465	May 8, 1990
5/21/90	Secretary of State, Issuance of Licenses (92 Ill. Adm. Code 1030)	2/9/90 14 Ill. Reg. 2289	May 8, 1990
5/21/90	Secretary of State, Illinois Safety Responsibility Law (92 Ill. Adm. Code 1070)	2/16/90 14 Ill. Reg. 2526	May 8, 1990
5/21/90	Secretary of State, Issuance of Licenses (92 Ill. Adm. Code 1030)	2/23/90 14 Ill. Reg. 2852	May 8, 1990
5/21/90	Department of Revenue, Telecommunications Excise Tax (86 Ill. Adm. Code 495)	10/27/89 13 Ill. Reg. 16723	May 8, 1990
5/21/90	Department of Commerce and Community Affairs, Technology Advancement and Development Act Programs (14 Ill. Adm. Code 545)	12/15/89 13 Ill. Reg. 19336	May 8, 1990



PROCLAMATION

90-137  
BREASTFEEDING PROMOTION MONTH

"Breastfeeding: Baby's Best Start" -1990 theme

Whereas, during the month of May, the Illinois Department of Public Health, in coordination with Regional Breastfeeding Task Forces, public and private organizations, physicians, and hospitals throughout Illinois, is promoting the importance of breastfeeding; and

Whereas, this observance reminds Illinoisans that breastfeeding is nutritionally the best choice for infant feeding; and

Whereas, one of the Surgeon General's Health Promotion/Disease Prevention Objectives for the nation for 1990 is to increase the proportion of women who breastfeed their babies; and

Whereas, the percentage of women in Illinois choosing to breastfeed their infants is below the national average and below the percentage identified in the Surgeon General's Breastfeeding Objective for the nation; and

Whereas, increased evidence links education, determination, and support to the success of breastfeeding. All parents should have the opportunity to make informed decisions regarding the feeding of their infants;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim May 1990 as BREASTFEEDING PROMOTION MONTH in Illinois, and urge our communities to offer breastfeeding education and support to help all Illinoisans become better informed.

Issued by the Governor March 30, 1990.

Filed with the Secretary of State April 9, 1990.

90-138  
CAROL KIMMEL DAY

Whereas, Carol Kimmel has devoted more than 30 years of public service activity which exemplifies the spirit of volunteer action and the essence of citizenship in a democratic society; and

Whereas, Southern Illinois University at Edwardsville will officially dedicate the Carol Kimmel Student Leadership Development Center on Wednesday, May 30, 1990; and

Whereas, the dedication in her honor will serve as a means of inspiring students and others to understand the importance of service to our communities, our nation, and our fellow human beings;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim May 30, 1990, as CAROL KIMMEL DAY in Illinois.

Issued by the Governor March 30, 1990.  
Filed with the Secretary of State April 9, 1990.

90-139  
HEAD START YEAR

Whereas, for 25 years, Project Head Start has played a major role in drawing national attention to the significance of early childhood development; and

Whereas, Project Head Start continues to assist more than 85,000 low-income children and their families in Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin; and

Whereas, Project Head Start provides these children and their families with increased and ongoing access to vital services such as early education, medical and dental health care, nutrition, social services, and mental health; and

Whereas, Project Head Start has shown that its services improve the cognitive abilities of young children and provide low-income parents with the knowledge to improve their circumstances and achieve social and economic self-sufficiency;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim 1990 as HEAD START YEAR in Illinois in recognition of the valuable services Project Head Start has provided over the past 25 years.

Issued by the Governor March 30, 1990.

Filed with the Secretary of State April 9, 1990.

90-140  
ILLINOIS INDUSTRY APPRECIATION DAY

Whereas, the Illinois Manufacturing Association (IMA) is the oldest and largest manufacturing trade association in the United States, having a current membership of more than 8,000 executives representing 5,000 companies and plants in Illinois; and

Whereas, IMA members employ 75 percent of the state's manufacturing work force or more than 750,000 Illinois citizens; and

Whereas, economists agree that for every 100 new manufacturing jobs, at least 64 additional jobs are created in a community. On analysis, this means seven wholesale and retail establishments; and

Whereas, on April 4, the IMA and its affiliate, the Illinois Industrial Council, will promote jobs for Illinois during its Industry Appreciation Day; and

Whereas, this day-long, information packed conference will afford IMA members and guests the opportunity to impress upon legislators the importance of a pro-jobs business climate in the state;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim April 4, 1990, as ILLINOIS INDUSTRY



APPRECIATION DAY in recognition of the contributions of the manufacturing industry to our state.

Issued by the Governor April 2, 1990.

Filed with the Secretary of State April 9, 1990.

#### 90-141 POW-MIA DAY

Whereas, many loyal and brave Americans who served in the wars of this nation were captured by the enemy or listed as missing in action; and

Whereas, American prisoners of war have often suffered unconscionable treatment despite international codes on the subject, and many have died as a result of cruel and inhuman acts by their enemy captors; and

Whereas, it is not known whether Americans missing in action are alive or dead, and the uncertainty has caused immeasurable suffering and hardship for their families; and

Whereas, it is fitting that we recognize the sacrifices of American prisoners of war and those missing in action;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim April 9, 1990, as POW-MIA DAY in Illinois, and call upon Illinoisans to observe the day with appropriate ceremonies and programs so that the memory of those brave Americans will not be lost.

Issued by the Governor April 2, 1990.

Filed with the Secretary of State April 9, 1990.

#### 90-142 FRATERNAL ORDER OF EAGLES WEEK

Whereas, the Fraternal Order of Eagles Illinois State Auxiliary has served Illinois since the organization's inception on May 2, 1948; and

Whereas, its branches work independently and diligently to raise funds for various charities and work as a whole to gather funds for a particular state project as designated each year by the Eagle's state president; and

Whereas, the Fraternal Order of Eagles Illinois State Auxiliary will be holding its annual convention in June, at which it will present the Make-A-Wish Foundation with a commendable donation;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim June 13-17, 1990, as FRATERNAL ORDER OF EAGLES WEEK in Illinois to honor the organization for its efforts to assist worthwhile charities.

Issued by the Governor April 3, 1990.

Filed with the Secretary of State April 9, 1990.

#### 90-143 HIGH BLOOD PRESSURE MONTH

Whereas, nearly 3.5 million Illinoisans are among the 58 million Americans who have an increased risk of illness and death due to high blood pressure; and

Whereas, high blood pressure is a contributing factor in millions of heart attacks, strokes, and kidney failures each year; and

Whereas, Americans have worked together 16 years in local, state, and national organizations to increase awareness and control of this serious public health problem; and

Whereas, these efforts and the work of the National High Blood Pressure Education Program have helped to lower the stroke mortality rate by 50 percent and the coronary heart disease rate by 35 percent since 1972; and

Whereas, the Illinois Department of Public Health has awarded Preventive Heart Block Grant Funds to 51 local health departments for high blood pressure control programs; and

Whereas, an estimated 1 million Illinoisans with high blood pressure are not aware of their condition. Another 600,000 Illinoisans, who are aware of their high blood pressure, are not controlling their conditions;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim May 1990 as HIGH BLOOD PRESSURE MONTH in Illinois and urge each Illinoisan to measure and control blood pressure.

Issued by the Governor April 3, 1990.

Filed with the Secretary of State April 9, 1990.

#### 90-144 WILLIAM WARFIELD DAY

Whereas, William Warfield began his music studies on the piano at age nine and his formal voice lessons at age 16. Two years later, in 1938, Warfield won first place in the National Music Educators League Competition and was awarded a scholarship for the Eastman School of Music, where he earned his bachelor's and master's degrees; and

Whereas, he has displayed his talents in numerous productions, including "Call Me Mister," "Showboat," and "Porgy and Bess," and has appeared as a guest artist in many international festivals; and

Whereas, William Warfield has received a number of awards, including an Alumni Citation from the Eastman School of Music, an honorary doctorate from the University of Arkansas, and a 1984 Grammy Award for his narration of Copland's Lincoln Portrait; and

Whereas, in 1974, he became a faculty member of the University of Illinois School of Music, where he serves as division chair; and

Whereas, William Warfield will retire from his full-time



teaching position in May 1990;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim May 1, 1990, as WILLIAM WARFIELD DAY in Illinois in recognition of William Warfield's accomplishments and his contributions to music and education.

Issued by the Governor April 3, 1990.  
Filed with the Secretary of State April 9, 1990.

90-145  
GREEK INDEPENDENCE DAY

Whereas, the 169th anniversary of Greek Independence will be celebrated on Sunday, March 25, 1990, by people of Greek origin commemorating their freedom from Ottoman oppression; and

Whereas, a celebration commemorating this day will take place March 19-26, 1990, by various organizations and church parishes throughout the city of Chicago; and

Whereas, the strength and unity of the Greek-American people are reflected in the communities they have joined and in the lifestyles they retain;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim March 25, 1990, as GREEK INDEPENDENCE DAY in Illinois, and I encourage attendance in the special events arranged for this time.

Issued by the Governor April 4, 1990.  
Filed with the Secretary of State April 9, 1990.

90-146  
PATENT AND COPYRIGHT BICENTENNIAL WEEK

Whereas, 200 years ago, as one of its earliest acts, the first U.S. Congress established a patent system and a copyright system; and

Whereas, under the copyright and patent systems, American inventors and authors have made outstanding and lasting contributions to all areas of life in this country and to the world's engineering, manufacturing, and cultural endeavors, establishing this nation as an economic and cultural leader among nations; and

Whereas, Illinoisans are among those inventors and authors who have contributed to this economic and cultural leadership;

Whereas, as we begin the third century of our patent and copyright laws, we should recognize the role these laws have played in making America a leader among nations and encourage our young people to follow in the footsteps of the inventors and authors to help maintain this leadership;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim May 6-11, 1990, as PATENT AND COPYRIGHT BICENTENNIAL WEEK in Illinois.

Issued by the Governor April 4, 1990.  
Filed with the Secretary of State April 9, 1990.

90-147  
PHARMACY DAY

Whereas, pharmacists have become a vital part of the health care team through their contributions of unique expertise regarding drugs and medicines; and

Whereas, Illinoisans who practice this profession in community and institutional settings are represented by the Illinois Pharmacists Association and the Illinois Council of Hospital Pharmacists; and

Whereas, the associations and their members continually strive to uphold the standards and integrity of the profession and have expanded their services to include patient education and consultation and monitoring of drug therapies;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim May 9, 1990, as PHARMACY DAY in Illinois to increase public awareness of the pharmacist's role in the health care system.

Issued by the Governor April 4, 1990.  
Filed with the Secretary of State April 9, 1990.

90-148  
WORLD HEALTH DAY

Whereas, the health of Illinoisans is inseparably linked with the health of people throughout the United States and the world; and

Whereas, all the states and nations of the world, acting through the World Health Organization, are pledged to the goal of Health for All by the year 2000; and

Whereas, April 7 of each year has been established by the World Health Organization as World Health Day -- an occasion to educate and inform, to encourage increased community involvement, and to focus on the unity of our health concerns; and

Whereas, the 1990 World Health Day theme "Our Planet, Our Health; Think Globally, Act Locally" stresses the importance of community participation in promoting a safe and clean environment, which is one of the many prerequisites for leading a healthy lifestyle;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim April 7, 1990, as WORLD HEALTH DAY in Illinois and urge all Illinoisans to participate in observances and activities promoting "Health for All."

Issued by the Governor April 4, 1990.  
Filed with the Secretary of State April 9, 1990.



## 90-149

## COMMENDS JACK W. GASTON

Whereas, Jack W. Gaston has been an educator for more than 40 years and has been affiliated with Millikin University since 1952; and

Whereas, Jack W. Gaston has held many positions at Millikin University including Assistant Professor, Associate Professor, Chair of the Marketing Department, and Director of the Small Business Development Center and Small Business Institute; and

Whereas, Jack W. Gaston has served on the Decatur Lutheran School Association Board, the Macon County Mental Health Board, the Metro Decatur Small Business Council and has been vice president of the Central Illinois Chapter of the American Marketing Association; and

Whereas, Jack W. Gaston held public office from 1965 through 1982 as a member of the Macon County Board and served as the chief labor negotiator from 1969 through 1982 and as Vice Chairman in 1980; and

Whereas, Jack W. Gaston has served as president of Business Research Associates since 1980 and has been an active consultant specializing in the areas of small business management, market research, and strategic market planning; and

Whereas, Jack W. Gaston has enriched the lives of many students, ensured the success of many small businesses, and supported the activities of many community organizations;

Therefore, I, James R. Thompson, Governor of the State of Illinois, commend JACK W. GASTON on the outstanding dedication and service he has given to the citizens of our state.

Issued by the Governor April 5, 1990.

Filed with the Secretary of State April 9, 1990.

## 90-150

## SPRINGFIELD DAY

Whereas, Springfield's first settlers, John and Mary Kelly and family, arrived in the spring of 1819; and

Whereas, Springfield was incorporated as a town April 2, 1832, and was incorporated as a city April 6, 1840; and

Whereas, in 1837, the Illinois General Assembly voted to make Springfield the state capital; and

Whereas, the population of Springfield has grown from approximately 1,000 people in 1830 to the current estimate of 100,054; and

Whereas, April 6, 1990, marks the 150th anniversary of the city of Springfield;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim April 6, 1990, as SPRINGFIELD DAY in Illinois in honor of the city's 150th year of existence. I urge citizens to take note of this occasion and participate in the city's celebratory activities.



# **ACTION CODES** JCAR - Joint Committee on Administrative Rules

A - Adopted Rule  
 AR - Adopted Repealer  
 C - Notice of Corrections  
 CC - Codification Changes  
 E - Emergency Rule  
 ER - Emergency Repealer  
 M - Modification to meet JCAR objections  
 O - JCAR Statement of Objections

P - Proposed Rule  
 PF - Prohibited Filing Ordered by JCAR  
 PP - Peremptory or Court ordered Rules  
 PR - Proposed Repealer  
 R - Refusal to meet JCAR objection  
 RC - Statement of Recommendation  
 S - Suspension ordered by JCAR  
 W - Withdrawal to meet JCAR objections

## **EXAMPLE:**

### **AGRICULTURE, DEPARTMENT OF**

8 Ill. Adm. Code 285 III. Grain Insurance Act (P-18048/85; A-6818)

TITLE PART ACTION CODE PAGE NUMBER PREVIOUS VOLUME ACTION CODE PAGE NUMBER

**ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.**

### **AGING, DEPARTMENT ON**

89 Ill. Adm. Code 240 Community Care Program (P-1077) (P-13638/89; O-17144/89; R-1533) (P-13353/89; A-1233)  
 89 Ill. Adm. Code 230 Older Americans Act Programs (P-14499/89; A-2308)

### **AGRICULTURE, DEPARTMENT OF**

8 Ill. Adm. Code 110 Animal Diagnostic Laboratory Act (P-15915/89; A-1907) (P-16861/89; A-3416)  
 8 Ill. Adm. Code 75 Bovine Brucellosis (P-15915/89; A-1911)  
 8 Ill. Adm. Code 85 Diseased Animals (P-15926/89; A-1919)  
 8 Ill. Adm. Code 80 III. Bovine Tuberculosis Eradication Act (P-15938/89; A-1931)  
 8 Ill. Adm. Code 115 III. Pseudorabies Control Act (P-15942/89; A-1935) (P-19329/89; A-5065)  
 8 Ill. Adm. Code 40 Livestock Auction Markets (P-15950/89; A-1943)  
 8 Ill. Adm. Code 45 Marketing Center (Livestock) (P-15956/89; A-1949)  
 8 Ill. Adm. Code 125 Meat & Poultry Inspection Act (P-16625/89; A-3424) (PP-4953)  
 8 Ill. Adm. Code 850 Motor Fuel Standards Act (P-19837/89; A-5072)  
 2 Ill. Adm. Code 700 Organizational Chart, Description, Rulemaking Procedure, & Programs (A-584) (A-4093)  
 8 Ill. Adm. Code 5 Standardization of Agriculture Products (P-3711)  
 8 Ill. Adm. Code 100 Swine Brucellosis (P-15960/89; A-1953)  
 8 Ill. Adm. Code 105 Swine Disease Control & Eradication Act (P-15968/89; A-1961)

### **ATTORNEY GENERAL**

86 Ill. Adm. Code 2000 Ill. Estate & Generation - Skipping Transfer Tax Act (P-4281)

### **AUDITOR GENERAL**

74 Ill. Adm. Code 420 Code of Regulations (P-1541)

### **BANKS AND TRUST COMPANIES, COMMISSIONER OF**

38 Ill. Adm. Code 395 Corporate Fiduciary Branch Offices (P-2981)  
 38 Ill. Adm. Code 396 Corporate Fiduciary Subsidiaries (P-2985)  
 38 Ill. Adm. Code 356 Reimbursement to Banks for Financial Records (P-3303)

### **CARNIVAL-AMUSEMENT SAFETY BOARD**

56 Ill. Adm. Code 6000 Carnival & Amusement Ride Inspection Law (P-2989) (E-3235; O-5905)

### **CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF**

80 Ill. Adm. Code 303 Conditions of Employment (P-17169/89; A-3433)  
 80 Ill. Adm. Code 2160 Local Government Health Plan (P-4288)  
 80 Ill. Adm. Code 310 Pay Plan (P-427) (P-15141/89; A-615) (PP-1627) (P-17521/89; A-4455) (P-5269)  
 80 Ill. Adm. Code 3000 The Travel Regulation Council (P-1548)

### **CHILDREN AND FAMILY SERVICES, DEPARTMENT OF**

89 Ill. Adm. Code 431 Confidentiality of Personal Information of Persons Served by the Dept. (P-4303)  
 89 Ill. Adm. Code 410 Licensing Standards for Youth Emergency Shelters (P-439) (E-999)  
 89 Ill. Adm. Code 300 Reports of Child Abuse & Neglect (P-20159/89; C-2684)  
 89 Ill. Adm. Code 302 Services Delivered by the Dept. (P-1) (P-2205) (P-14508/89; A-3438)

### **COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF**

14 Ill. Adm. Code 525 Economic Development Area Tax Increment Allocation Financing (P-13356/89; A-1968)  
 14 Ill. Adm. Code 520 Enterprise Zone Program (P-15975/89; A-3445)  
 56 Ill. Adm. Code 2650 Industrial Training Program (P-15977/89; A-5075)  
 14 Ill. Adm. Code 550 Local Tourism & Convention Bureau Program (P-17567/89; A-5091) (P-5294) (E-5565)  
 47 Ill. Adm. Code 120 State Administration of the Federal Community Services Block Grant Program (P-5296)  
 56 Ill. Adm. Code 2610 Training Services for the Disadvantaged (P-5017/89; A-1976)  
 56 Ill. Adm. Code 2630 Uniform Fiscal & Administrative Standards for the Job Training Partnership Act (P-5310)

### **COMMERCE COMMISSION, ILLINOIS**

92 Ill. Adm. Code 1207 Agents for Service of Process (P-15150/89; A-3033)  
 83 Ill. Adm. Code 760 Cellular Radio Exclusion (P-13358/89; A-3037)  
 83 Ill. Adm. Code 281 Energy Assistance (PR-4312)  
 83 Ill. Adm. Code 900 Joint Rules of the Ill. Commerce Commission & the Dept. of Energy & Natural Resources: Residential Conservation Plan (PR-12680/89; AR-624)

92 Ill. Adm. Code 1300 Minimum Rate (PR-14147/89; AR-3040)  
 83 Ill. Adm. Code 445 Purchase & Sale of Electric Energy from Qualified Solid Waste Energy Facilities (P-13129/89; A-626)

92 Ill. Adm. Code 1710 Relocation Towing (P-2721)

83 Ill. Adm. Code 410 Standards of Service for Electric Utilities (P-16211/89; A-3454)

83 Ill. Adm. Code 500 Standards of Service for Gas Utilities (P-16219/89; A-3463)

83 Ill. Adm. Code 755 Telecommunications Access for the Deaf (P-15157/89; A-3042)

83 Ill. Adm. Code 757 Telephone Assistance Program (P-2731)

83 Ill. Adm. Code 505 Uniform System of Accounts for Gas Utilities (P-13361/89; A-1605)

83 Ill. Adm. Code 710 Uniform System of Accounts for Telecommunications Carriers (P-1552)

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23 Ill. Adm. Code 1501 Administration of the Ill. Public Community College Act (P-14) (E-299) (P-3308) (P-16869/89; A-4126)

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2 Ill. Adm. Code 625 Access to Information (A-186)  
 74 Ill. Adm. Code 290 Contract Content (P-18649/89; A-5757)